

List No XXII, dated 31st December 1940.

DA ET CORRIGENDA TO BRITISH ENACTMENTS IN FORCE
IN INDIAN STATES.

(FOURTH EDITION, VOLUMES I—IX)

VOLUME I.

No 306.

139.—*Cancel Notification No 842 R, dated the 25th February, 1919
institute the following —*

4143 R, dated the 16th August, 1928 — In exercise of the powers conferred by section 60 of the Cantonments Act, 1921 (II of 1921), the Agent to the Governor General in Baluchistan is pleased to impose, with effect from the 1st April 1929, a tax of Rs 5 (five) for each official year or part of a year of dogs of the age of three months or over kept within the limits of the Cantonment, provided that—

1) No tax will be levied on any dog kept within the cantonment for a period not exceeding one month in any official year

2) A fee of annas eight only will be levied from the members of the association styled the Quetta Hunt, in respect of every hound which is, or may hereafter be, the property of, and maintained exclusively for the purposes of the said association

Units of Garrison, which form Regimental Clubs for the purpose of controlling dogs, the *bona fide* property of soldiers of the unit concerned (Officers and Warrant Officers not being eligible to join) may, if the number of dogs registered with the Club is ten or more, apply for registration to the Cantonment Board, as a Regimental Kennel Club in which case the tax chargeable shall be Rs 1 8 0 per dog for each half year commencing April 1st and October 1st subject to no tax being levied on any dog registered in such club which is kept in the Cantonment for a period not exceeding 15 days at the beginning or end of any half year]

Any officer attending a course of instructions at the Staff College shall be liable to pay the dog tax only once in each calendar year]

This office Notification No 842 R, dated the 26th February 1919, is cancelled with effect from the 1st April 1929

[*Gazette of India*, 1938, Pt II A, p 276.]

This clause was added by Notification No 329 I B, dated the 21st December 1937

This clause was added by Notification No 204 I B, dated the 13th August, 1940, *Gazette of India*, Pt I A, p 107.

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List No. XXII, dated 31st December 1940

ANDA ET CORRIGENDA TO BRITISH ENACTMENTS IN FORCE
IN INDIAN STATES

(FOURTH EDITION VOLUMES I—IX.)

VOLUME I

No 306

*no 129 —Cancelled Notification No 842 P., dated the 26th February 1919
Institute the following —*

*no 4143 B. dated the 16th August 1928 —*In exercise of the powers conferred by section 6a) of the Cantonments Act 1924 (II of 1924) the Agent to the Governor General in Baluchistan is pleased to impose with effect from the 1st 1929 a tax of Rs 5 (five) for each official year or part of a year of the dog if he are of three months or over kept within the limits of the Cantonment provided that —

(1) No tax will be levied on any dog kept within the cantonment for a period not exceeding one month in any official year

(2) A fee of annas eight only will be levied from the members of the association styled the Quetta Hunt in respect of every hound which is or may hereafter be the property of, or maintained exclusively for the purposes of the said association.

(3) Limits of Garrison, which form Perambulatory Clubs for the purpose of controlling dogs the *bona fide* property of soldiers of the unit concerned (Officers and Warrant Officers not being eligible to join) may if the number of dogs registered with the Club is ten or more apply for registration to the Cantonment Board as a Perambulatory Kennel Club in which case the tax chargeable shall be Rs 1-8-0 per dog for each half year commencing April 1st and October 1st subject to no tax being levied on any dog registered in such club which is kept in the Cantonment for a period not exceeding 15 days at the beginning or end of any half year]

(4) Any officer attending a course of instruction at the Staff College shall be liable to pay the dog tax only once in each calendar year]

This office Notification No 842 P., dated the 26th February 1919 is cancelled with effect from the 1st April 1929

Gazette of India, 1929 Pt. II L. p. 1001

This clause was added by Notification No. 225 L.B. dated the 27th December 1937

This clause was added by Notification No. 294-L.B. dated the 12th August, 1940 Gazette of India, Pt. II L. p. 1001

ADDENDA ET CORRIGENDA TO BRITISH ENACTMENTS IN FORCE
IN INDIAN STATES

(FOURTH EDITION, VOLUMES I—IX)

VOLUME I.

No 306.

Page 139—Cancel Notification No 842 R, dated the 25th February, 1919 and substitute the following —

No 4143 R, dated the 16th August, 1928—In exercise of the powers conferred by section 60 of the Cantonments Act, 1924 (II of 1924) the Agent to the Governor General in Baluchistan is pleased to impose, with effect from the 1st April 1929, a tax of Rs 5 (five) for each official year or part of a year on all dogs of the age of three months or over kept within the limits of the Quetta Cantonment, provided that—

(1) No tax will be levied on any dog kept within the cantonment for a period not exceeding one month in any official year

(2) A fee of annas eight only will be levied from the members of the association styled the Quetta Hunt, in respect of every hound which is, or may hereafter be, the property of, and maintained exclusively for the purposes of the said association

¹[(3) Units of Garrison, which form Regimental Clubs for the purpose of controlling dog, the *bona fide* property of soldiers of the unit concerned (Officers and Warrant Officers not being eligible to join) may, if the number of dogs registered with the Club is ten or less, be exempted from the tax chargeable shall commencing April 1st and October 1st subject to no tax being levied on any dog registered in such club which is kept in the Cantonment for a period not exceeding 15 days at the beginning or end of any half year]

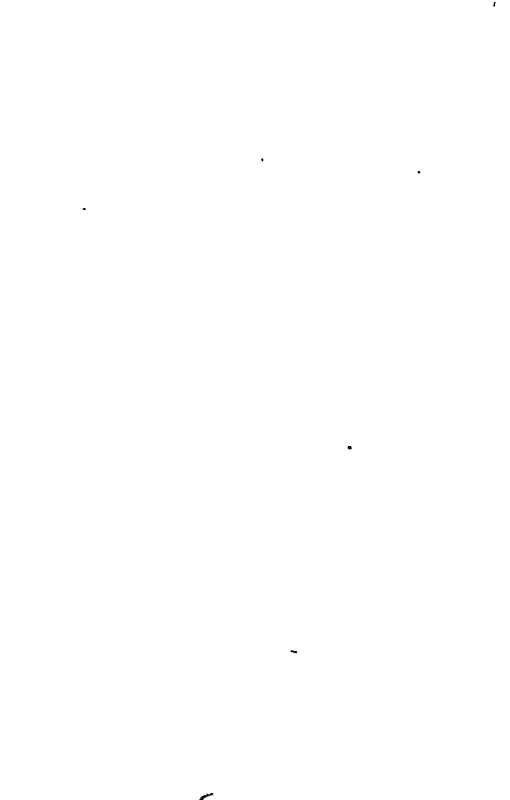
²[(4) Any officer attending a course of instructions at the Staff College shall be liable to pay the dog tax only once in each calendar year]

2 This office Notification No 842 R, dated the 26th February 1919, is hereby cancelled with effect from the 1st April 1929

[*Gazette of India* 1928, Pt II V, p 276.]

¹ This clause was added by Notification No. 329 I E., dated the 21st December 1927

² This clause was added by Notification No. 204 I B., dated the 12th August, 1941, *Gazette of India*, 1941, Pt I A., p. 107



3 Clause (2) of section 2 shall be omitted

4 In section 7

(i) in sub-section (1) —

(i) for the word "In trust" wherever it occurs, the words "in trust" shall be substituted, and

(ii) for the words "any officer of the Excise or Revenue Department" the words "such other officer as may be" shall be substituted

(iii) sub-section (4) shall be omitted,

(iv) in sub-section (5) the words "by Government" shall be omitted

5 In section 11 for the words "by the Provincial Government, by any local body or by the Court of Wards every village headman and village watchman the words "under the Political Agent for the area and every tribal mahik" shall be substituted

6 In sub-section (1) of section 11 for the words "of the Excise or Revenue Department not below such rank as may be prescribed" the words "special authority authorised in this behalf by the Political Agent" shall be substituted

7 Sub-section (3) of section 25 shall be omitted

8 After section 25 the following section shall be added namely —

5A Notwithstanding anything contained in the preceding section the Agent to the Governor General may, by notification in the official Gazette apply to the tribal areas any rules made under section 25 of the North West Frontier Province Sales of Motor Spirit Act 1939 (North West Frontier Province Act XIII of 1939) as in force in that Province subject to any amendments to which such rules are for the time being subject in that Province and to such modifications or restrictions as may be specified in the notification and any rules so applied shall have effect in the tribal areas as if made under this Act

[Gazette of India 1940 Pt I p 1527]

No 23 W dated the 5th November 1940 — In exercise of the powers conferred by sub-sections (1) and (2) of section 313 of the Government of India Act, 1935 and of all other powers enabling him in that behalf the Governor General in Council is pleased to direct that the Indian Soldiers (Litigation) Act, 1925 (IV of 1925) shall apply to the tribal areas beyond the western and northern boundaries of the North West Frontier Province in so far as the same may be applicable and subject to any amendments to which the said Act is for the time being subject in British India, and to the modifications specified in the Schedule hereto annexed

Provided that any Court or authority may, on application made to it under the said Act and of or in relation to the substance as before the Court or

2 In section 14 the words "As respects the Provincial Public Services, the Provincial Government, and in other cases," shall be omitted

[*Gazette of India*, Extraordinary 1910, p. 613]

No 313

I Under the heading " Acts of the Central Legislature ", against the entry " 12 A The Indian Post Office Act, 1898 (VI of 1898) " in the column headed " Modifications and Restrictions " insert the following —

(1) In section 7, omit the proviso to sub section (1) and for sub section (2) substitute—

"(2) If . . . , the rates
the rates

(2) Omit the First Schedule

[Notification No. 106 G, dated the 26th July 1910—*Gazette of India*, 1910, Pt. I, Vol. 35, No. 1907]

II (a) Under the heading " Acts of the Central Legislature ", after the entry " 23 The Registration of Foreigners Act, 1939 (XVI of 1939) ", insert the following entry —

" 21 The Indian Coinage (Amendment) Act, 1919 (VI of 1919) "

(b) After the heading "Acts of the Central Legislature" and the entries thereunder, insert the following heading and entry —

" *Ordinances of the Governor General*

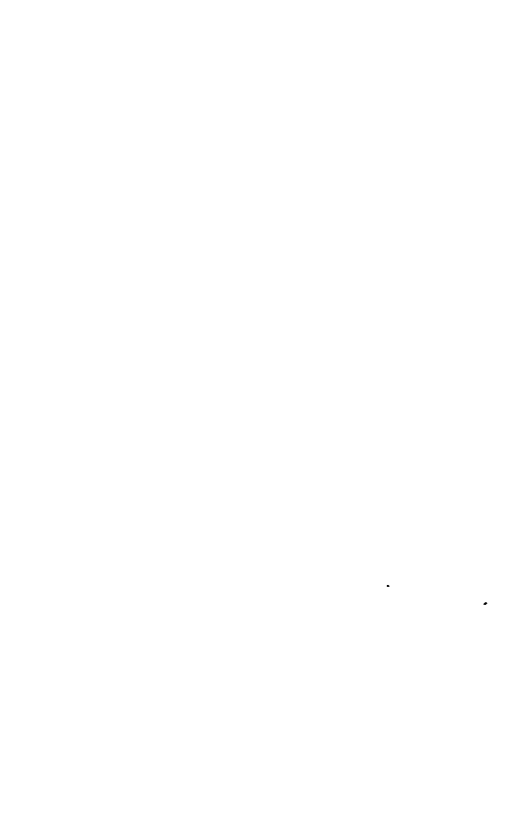
1 The Indian Cottage (Amendment) Ordinance, 1910 (Ordinance No. VI of 1910) "

[Notification No. 276 I B, dated the 30th August 1910—*Gazette of India, 1910, Extraordinary, I, 533*]

III Under the heading " Ordinances of the Governor General ", after entry I, insert the following entry :—

" 2 The Indian Coinage (Second Amendment) Ordinance, 1940 (Ordinance No. XII of 1940) ".

[Notification No. 313 I. B., dated the 6th November 1910—*Go etc of India*, 1910, p. 206.]





No. 317.

Page 297—Add at the end—

No 312-G, dated the 6th November 1940—In exercise of the powers conferred by the Gilgit Order in Council, 1937 and of all powers which the Crown Representative is pleased to exercise in that behalf

1 *Short title, extent and application*—(1) This Law may be called the Gilgit Sub division Arms Law, 1940

(2) It extends to the whole of the Gilgit Sub division

(3) Nothing in this Law shall apply to the manufacture conversion, sale, import, export, transport, bearing or possession of any arms, ammunition or military stores—

(a) by order of the Crown Representative, or

(b) by a public servant in the course of his duty as such

2 *Definitions*—In this Law unless there is anything repugnant in the subject or context—

(a) 'ammunition' includes all ammunition for firearms and cannon, and also grenades bombs and other similar missiles, rockets, gun cotton dynamite and all other explosive or fulminating materials and all articles especially designed for blasting, and gun flint, gun wads, percussion caps fuses and friction tubes, and all parts and ingredients of any ammunition and all machinery for manufacturing ammunition but does not include lead, sulphur or saltpetre,

(b) 'arms' includes fire arms, cannon bayonets, swords, daggers, spears, spear heads and bows and arrows, and all parts of arms and machinery for manufacturing arms,

(c) "cannon" includes all howitzers, mortars and other ordnance and machine guns, and all carriages, platforms and appliances for mounting transporting and serving the same,

(d) "Crown Representative" means His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States,

(e) "Form" means a form set out in the Second Schedule,

(f) "Gilgit Sub-division" means that part of the Wazarat of Gilgit Province of the State of Jammu and Kashmir so designated in the notification of the Government of India in the Foreign and Political Department No 452 X, dated the 1st day of August, 1935;

(g) "import" and "export" with their grammatical variations means respectively import into, and export from, the Gilgit Subdivision,

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(h) " licence " means a licence granted under this Law ;

(i) " military stores " means—

(i) any military stores, and

(ii) lead, sulphur and saltpetre, and

(iii) any other materials—

to which the Crown Representative may, by notification, extend this Law or any specified provisions thereof ;

(j) " Political Agent " means the Political Agent, Gilgit ;

(k) " public servant " has the meaning assigned to it by section 21 of the Indian Penal Code (Act XLV of 1860)

3 *Withdrawal of application of Act XI of 1878 to Gilgit Subdivision*—
In the Schedule to the Gilgit Subdivision (Application of Laws) Order, 1937, the entry relating to the Indian Arms Act, 1878 shall be omitted

Provided that all authorities and permissions given and all licences and exemptions granted under the said Act and in force in the Gilgit Subdivision at the commencement of this Law shall so continue in force for the period for which they were given or granted, as the case may be or where no such period has been expressly fixed, for one year from the commencement of this Law

4 *Possession of arms, etc*—(1) No person shall—

(a) go armed with any arms, or

(b) possess or have under his control any arms, ammunition or military stores,—

except under a licence and in the manner and to the extent permitted thereby

(2) Save as provided in subsection (3), the Political Agent, or, if specially empowered in this behalf by the Political Agent, the Subdivisional Magistrate Gilgit may grant licences in Form A for the possession in reasonable quantities of arms, ammunition or military stores for any of the purposes of going armed for protection, sport or display, subject to the conditions set out in the said Form

(3) Save with the sanction of the Crown Representative, no licence shall be granted for the possession of—

(a) cannon,

(b) any rifle of 303 or .450 bore, or any musket of 410 bore or any pistol or revolver of .441, .455 or any intermediate bore or of .38 bore, or any parts of, or fittings for, any such fire arms, unless such fire arms have been lawfully possessed in the Gilgit Subdivision before the commencement of this law, or

(c) any ball'd ammunition for any fire arms referred to in clause (b), except to a person lawfully possessing (in the case of any such rifle or musket, for sporting purposes only) such fire arms ;

(d) machinery for the manufacture of arms or ammunition

5 *Manufacture, sale etc., of arms, etc.*—(1) No person shall manufacture, convert, sell or keep for sale or expose for sale any arms, ammunition or military stores except under, and in accordance with the conditions of, a licence

(2) The Political Agent may grant licences in Form B authorising the persons licensed thereby to sell keep for sale manufacture or convert arms, ammunition or military stores, subject to the conditions set out in the said Form

(3) Any Magistrate or any Police officer not below the rank of Sub-Inspector empowered in this behalf by the Political Agent, may enter and inspect any premises wherein arms ammunition or military stores are manufactured converted sold or kept for sale, and examine the stock and accounts relating thereto

(4) Nothing in this section shall prevent any person from selling any arms or ammunition which he lawfully possesses in the Gilgit Sub-division for his own private use to any other person who is not under this Law or any other enactment prohibited from possessing such arms or ammunition

Provided that unless such other person is entitled to possess such arms or ammunition by reason of an exception under section 14, the person so selling the same shall forthwith give notice of the sale in writing to the Political Officer or to the officer in charge of the nearest police station, together with the name and address of the purchaser

6 *Import export and transport of arms, etc.*—(1) No person shall import or export any arms ammunition or military stores except under, and in accordance with the conditions of, a licence

(2) Nothing in sub-section (1) shall apply to arms (other than cannon) and ammunition imported or exported in reasonable quantities for his own private use by a person entitled under this Law to possess the same but the Political Agent or any other authority empowered in this behalf by him may at any time detain any such arms or ammunition pending the receipt of a receipt thereon from the Resident in Kashmir

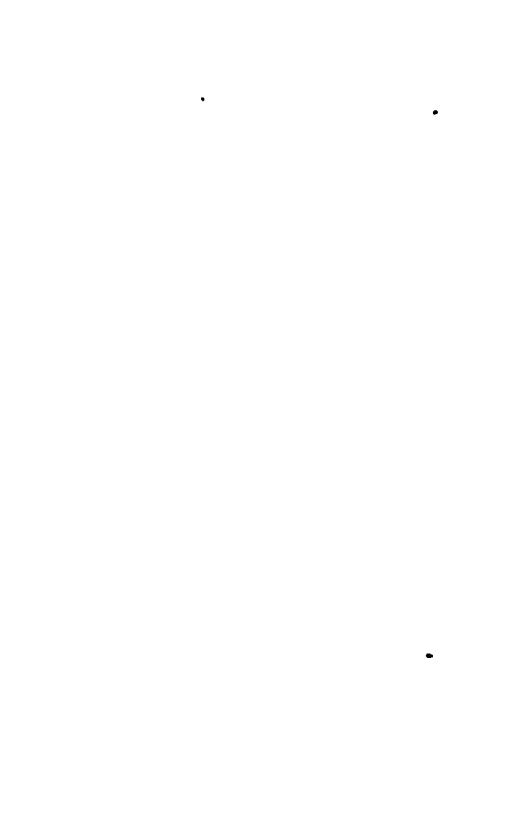
(3) No person shall import—

(a) any fire arms referred to in clauses (a) (b) and (d) of sub-section (3) of section 4 or any parts of, or fittings for or of, any such fire arms which can be fired from any such fire arms or

(b) any other rifle containing any of its component parts, namely breech block breech bolt breech bolt lock bolt trigger guard trigger cocking piece capable of being inserted into the bore

Provided that the Political Agent may authorise the import of a licence for such import of breech loading ammunition or part of or of any such fire-arms for the personal use of the owner of the same, if he is entitled under this Law to possess the same

(4) Save as provided in sub-section (3) the Political Agent may grant licences in Form C for the import and export of arms ammunition or military stores, subject to the conditions set out in the said Form



(5) On production before the Political Agent or a Magistrate appointed in the behalf by him of any imported arms, ammunition or military stores, the Political Agent or Magistrate, as the case may be, shall satisfy himself that the arms, ammunition or military stores correspond with the description thereof, and that the holder thereof is fully accounted for by the holder of the licence.

(6) The Political Agent may, with the sanction of the Crown Representative, grant a licence in Form D for the export by land of any arms, ammunition or military stores subject to the conditions set out in the said Form.

(7) Subject to the provisions of subsection (3) and with the sanction of the Crown Representative, the Political Agent may grant comprehensive licences in Form E for the import by land, transport and export by land of any arms, ammunition or military stores subject to the conditions set out in the said Form.

7. *Arrest of persons carrying arms under suspicious circumstances.*—(1) When any person is found carrying or conveying any arms, ammunition or military stores, whether under a licence or not, in such manner or under such circumstances as to afford just grounds of suspicion that the same are being carried or conveyed by him with intent to use them for any unlawful purpose or that the same may be so used, any person may, without warrant, arrest him and seize such arms, ammunition or military stores.

(2) Any person so arrested and any arms, ammunition or military stores so seized, by a person other than a Magistrate or Police-officer shall be delivered as soon as possible to a Police officer.

(3) All persons arrested by or delivered to and all arms, ammunition or military stores seized by or delivered to a Police officer under this section shall be taken without delay before a Magistrate.

8. *Duration of and fees for licences.*—(1) (a) Licences in Form A may be issued and renewed for any period not exceeding three years as the applicant therefor may require.

(b) Licences in Form B may be issued and renewed for any period not exceeding one year as the applicant therefor may require.

(c) Licences in Form C, D or E shall be issued for a particular consignment only and shall be valid for thirty days only from the date of issue.

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(2) Fees for the grant and renewal of licences shall be at the rates set out in the First Schedule, and shall be payable in cash.

(3) Where a licence granted or renewed under this section is lost or accidentally destroyed, the authority empowered to grant such a licence may grant a duplicate on payment of a fee of one rupee or of the fee with which the original licence was chargeable, whichever is less.

9 *Deposit of arms &c*—(1) Any person possessing arms ammunition or military stores the possession of which has for any reason become contrary to this Law, shall without delay deposit the same with the officer in charge of the nearest police station

(2) At any time before the expiry of three years from the deposit of any arms, ammunition or military stores under sub section (1), the depositor thereof shall be entitled—

(a) to receive back anything so deposited, the possession of which by him has become permissible under this Law and

(b) to dispose, or authorise the disposal of anything so deposited by sale or otherwise to any person permitted to possess the same under this Law, and to receive the proceeds, if any, of such disposal,

and anything so deposited which is not received back or disposed of under this sub-section within the said period of three years shall be forfeited to His Majesty

10 *Cancellation or suspension of licence*—Any licence may be cancelled or suspended at any time—

(a) by the Political Agent if for reasons to be recorded in writing he deems it necessary for the security of the public peace so to do, and

(b) by the Subdivisional Magistrate, Gilgit, if the holder thereof is convicted of an offence against this Law,

and no refund of fee shall be admissible in any case where a licence is cancelled or suspended

11 *Penalties*—(1) Whoever does or omits to do, any act in contravention of any of the provisions of sections 4, 5, 6 and 9 shall be punishable with imprisonment which may extend to three years, or with fine or with both

(2) Whoever, in contravention of any condition subject to which a licence is granted, or omits to do, any act which is prohibited by the conditions of the licence, shall be punishable with imprisonment which may extend to five

hundred rupees, or with both

(3) Whoever knowingly purchases any arm, ammunition or military stores from any person not licensed to sell the same [except in accordance with the provisions of sub section (4) of section 5] or whoever delivers any arms, ammunition or military stores into the possession of any person without previously ascertaining that such person may under this Law possess the same shall be punishable with imprisonment which may extend to six months or with fine which may extend to five hundred rupees or with both

12 *Confiscation of arms &c*—Where any person is convicted of any offence under this Law, the Political Agent or the convicting Court may order the confiscation of the whole or any part of the arm, ammunition or military stores in relation to which the offence was committed



13 *Search and seizure*—When ever any Magistrate has reason to believe that any person residing within the limits of his jurisdiction has in his possession any arms ammunition or military stores for any unlawful purpose or that any such person cannot be left in possession of any arms ammunition or military stores without danger to the public peace, such Magistrate may, after recording the grounds of his belief, cause a search to be made of the house or premises occupied by such person, or in which there is reason to believe any arms ammunition or military stores are to be found, and may seize and detain the same whether covered by a licence or not

14 *Power to exempt*—The Crown Representative may exempt any person or class of person from any of the provisions of this Law

15 *Applications for licences*—Applications for the grant or renewals of licences shall be made in such manner as the Political Agent may, by order, prescribe

16 *Obligation to produce licence or arms on demand*—The holder of any licence, when required by order in writing by the Political Agent, or the Assistant Political Agent, Gilgit, or any Magistrate, or any Police officer not below the rank of Sub Inspector, shall produce for inspection the licence or any arms ammunition and military stores covered thereby at such time and place as is specified in the order

17 *Disposal of forfeited or confiscated arms, etc*—Arms, ammunition and military stores forfeited or confiscated under this Law shall be disposed of by the Political Agent in such manner as he may think fit

THE FIRST SCHEDULE

[See section 8 (2)]

*Licence Fees**For a licence in Form A**For the first year or lesser period—*

For each breech loading pistol or revolver—Five rupees

For each other breech loading weapon—Two rupees

For each other weapon—Eight annas

For each subsequent year or lesser period—

Half the above rates provided that application for renewal is made in accordance with orders made under section 15

For a licence in Form B

For each year or lesser period—Twenty rupees

*For a licence in Form C D or E**For each consignment—One rupee*

THE SECOND SCHEDULE

[See section 2 (e)]

Forms

FORM A—Licence for the possession of arms and ammunition and for going armed for the purpose of sport/protection/display [See section 4 (2)]

FORM B—Licence to manufacture convert sell or keep for sale, arms, ammunition or military stores [See section 5 (2)]

FORM C—Licence for the import of arms ammunition and military stores [See section 6 (4)]

FORM D—Licence for the export of arms ammunition and military stores [See section 6 (6)]

FORM E—Licence for the import transport and re export of arms, ammunition or military stores [See section 6 (7)]

FORM A

[See Section 1 (2)]

License for the possession of arms and ammunition and for carrying arms for the purpose of "sport protection display".

1. Serial No. of License	2. Name of person and residence of licensee and agent if any	Arms and Ammunition that licensee is entitled to possess		3. Name father's name and address of licensee (if any) covered by the license	Arms or Ammunition that licensee is entitled to possess		4. Area within which the license is valid	5. Date on which license expires	6. Date on which the license expires or the arms or both of all the previous valid licenses
		7. Particular description of each weapon with details of distinguishing marks, register number etc.	8. Quantity and description of each kind of ammunition		9. Arms	10. Ammunition			

Seal

(Signature)

District Magistrate, Gilgit
Sub Divisional Magistrate,
Gilgit Sub Division

The _____ of _____ 1914

Form of renewal of the license

Date and year	Date on which renewed license expires	Signature
		Seal District Magistrate, Gilgit Sub Divisional Magistrate, Gilgit.

9 The licensee shall report any change of his permanent address to the authority who granted him the licence

NOTE (1) — Any breach of the conditions of this licence is punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 500 or with both. (See S. 12 of the Gujarat Sub Division Arms Law, 1910)

NOTE (2) — Licensees are warned that in case they sell any arms or ammunition covered by a licence possessed by them to any person they are required to give notice forthwith of the sale together with particulars as to the name and address of the purchaser to the Sub-Divisional Magistrate, Gujarat. Failure to give notice as required above is punishable with imprisonment for a term which may extend to three years or with fine or with both

FORM B

G S DIV ARMS FORMS II.

[See Section 5 (2)]

Licence to manufacture, convert, sell or keep for sale arms, ammunition or military stores

1 st Serial number of licence	2 nd Name, description and residence of licensee and of duly authorised agent or agents, if any	3 rd Place of business, factory or shop	Description and number of arms		Description and quality of ammunition or military stores		4 th Date on which the licence expires
			4 th To be manufactured or converted	5 th To be sold or kept for sale	6 th To be manufactured	7 th To be sold or kept for sale	

Seal

(Signature)

Political Agent and District Magistrate,

Gulft.

Form for Renewal of Licence

Date and year of renewal.	Date on which the renewed licence expired.	Signature of the Political Agent.

"Conditions

1 This licence is granted subject to all provisions of the Gilgit Sub Division Arms Law, 1910

2 The licensee shall maintain registers of all arms manufactured or converted, of all ammunition and military stores manufactured of all stock in hand, and of all sales in such form as the Political Agent may direct

3 He shall exhibit his stock and his registers on the demand of any Magistrate or any Police Officer not below the rank of Sub Inspector

4 He shall affix on a conspicuous part of his place of business, factory or shop a signboard on which shall be printed in large letters in English and Urdu his name and the words "Licensed to manufacture" (or "Licensed to deal in", as the case may be) arms ammunition and military stores

5 He shall at the time of purchase of arms and ammunition endorse upon the licence of every purchaser holding a licence in Form A—

(a) the name description and residence of the person who takes delivery of the articles sold

(b) the nature and quantity of the articles sold and

(c) the date of sale and shall sign the endorsement

6 He shall at the time of the sale of a weapon enter in his register the

..

8. He shall not sell to any person licensed to possess or carry arms, ammunition in excess of the maximum which is endorsed on such person's licence.

9 He shall not sell arms ammunition or military stores elsewhere than at the place of business factory or shop specified in column 3

10 He shall not sell from his stock to any person in the Gilgit Sub Division who does not hold a licence to possess such arms ammunition and military stores or to any other person without the written permission of the Political Agent, Gilgit

11 He shall not keep Government arms ammunition or military stores, or, unless he is specially authorised in this behalf by the Political Agent, Gilgit, keep or sell revolvers or pistols.

Explanation—For the purpose of this condition—

- (a) "Government arm" means a firearm or other weapon which is the property of the Government, and
 (b) "Government ammunition" and "Government military stores" mean respectively, ammunition and military stores manufactured in any Government factory, or prepared for and supplied to the Government

12 The licensee shall forthwith give information at the nearest police station of the loss or theft of any arms, ammunition or military stores covered by the licence

G S Div. Arms Form III

FORM C

[See Section 6 (4)]

Licence for the import of arms, ammunition or military stores

Name description and residence of licensee and agent (if any)	Number of packages	Arms		Ammunition or Military stores		Place of despatch and route	Purpose for which required	Place of destination	Name description and residence of consignor	Period for which the licence is valid	Whether to be produced for inspection or not	From the
		Description	Number	Description	Weight in seers or number							To the
1	2	3	4	5	6	7	8	9	10	11	12	

Seal

(Signature)

Political Agent and District Magistrate,
 Gilgit

Copy to —

- 1 Commissioner, Police, _____
 2 District Magistrate _____
 3 Station Master, _____

The

of

Conditions

1 This licence is subject to all the provisions of the Gilgit Sub Division Arms Law, 1940

2 The articles shall not be conveyed by any route other than that specified in column 7, and bulk shall not be broken, nor shall the consignment be stopped before the articles reach the place of destination

3 An account of the contents of each package shall be legibly written thereon and where the articles are conveyed by rail, each package shall be marked with the words "Arms" "Ammunition" or "Military" by the issuing authority

Explanation—For the purpose of this condition—

- (a) "Government arm" means a fire arm or other weapon which is the property of the Government, and
 (b) "Government ammunition" and "Government military stores" mean respectively, ammunition and military stores manufactured in any Government factory, or prepared for and supplied to the Government

12 The licensee shall forthwith give information at the nearest police station of the loss or theft of any arms ammunition or military stores covered by the licence

G S DIV. ARMS FORM III

FORM C

[See Section 6 (4)]

Licence for the import of arms, ammunition or military stores

Name, description and residence of licensee and agent (if any)	Number of packages.	Arms		Ammunition or Military stores		Place of despatch and route	Purpose for which required	Place of destination	Name, description and residence of consignee	Period for which the licence is valid	Whether to be produced for inspection or not.	From the	To the
		Description	Number	Description	Weight in pounds or number								
1	2	3	4	5	6	7	8	9	10	11	12		

Seal

(Signature)

Political Agent and District Magistrate,
 Gilgit

Copy to —

- 1 Commissioner, Police, _____
 2 District Magistrate _____
 3 Station Master _____

The

of

Explanation—For the purpose of this condition—

- (a) "Government arm" means a fire arm or other weapon which is the property of the Government, and
 (b) "Government ammunition" and "Government military stores" mean respectively ammunition and military stores manufactured in any Government factory, or prepared for and supplied to the Government.

12 The licensee shall forthwith give information at the nearest police station of the loss or theft of any arms, ammunition or military stores covered by the licence.

G S Div. ARMS FORM III

FORM C.

[See Section 6 (f)]

Licence for the import of arms, ammunition or military stores

Name, description and residence of licensee and place of issue (if any)	No. of licence	Arms.		Ammunition or Military stores.		Place of deposit at hard route	Place of deposit at retail	Place of destination	Name, description and residence of consignee	Date of expiry of licence	Date of expiry of licence	From the	To the
		Description	Number	Description	Weight in pounds and ounces								
1	2	3	4	5	6	7	8	9	10	11	12		

Seal.

(Signature)

Political Agent and District Magistrate,
 Gilgit

Copy to —

- 1 Commissioner, Police _____
 2 District Magistrate _____
 3 Station Master _____

The _____ of _____ 1914.

Conditions

1 This licence is subject to all the provisions of the Gilgit Sub Division Arms Law, 1940

2 The articles shall not be conveyed by any route other than that specified in column 7, and bulk shall not be broken, nor shall the consignment be stopped, before the articles reach the place of destination

3 An account of the contents of each package shall be legibly written thereon and where the articles are conveyed by rail, each package shall be marked with the word or expression "Arms" "Ammunition" or "Military Stores" as the case may be, so as to be readily recognizable by railway authorities

required by this licence the arms/ammunition/military stores produced for inspection within seven days of their arrival

G S Div ARMS FORM IV.

FORM D

[See Section 6 (6)]

for the export of arms, ammunition and military stores

Number	Arms.		Ammunition or Military Stores		Place of despatch and route	Purpose for which required	Place of destination	Name, description and residence of consignee	Period for which the license is valid	From the
	Description	Number	Description	Weight in seers						To the
1	2	3	4	5	6	7	8	9	10	11

Seal

(Signature)

Political Agent and District

of

194 .

No. 313.

Page 21.—In the Cantonment of Baroda (Application of Laws) Order, 1937, published with Notification No. 293 I.B., dated the 23th November 1937.—

I In the Schedule under the heading "Acts of the Central Legislature" after the entry "43 The Registration of Foreigners Act, 1939 (XVI of 1939)", insert the following entry:—

"44 The Income-tax Law Omit sub-section (2) of section 1 and section 10 "
Amendment Act, 1940
(XII of 1940)

[Notification No. 190 I B., dated the 1st August, 1940 *Gazette of India*, 1940, Pt. I -A., p. 102.]

II In the Schedule under the heading "Acts of the Central Legislature", in modification (2) against the entry "18A. The Reformatory Schools Act, 1897 (VIII of 1897)"—

(i) for the words "Provincial Government", substitute the words "Government or Durbar" and

(ii) for the words "British Indian Province", substitute the words "Province of British India or an Indian State",

[Notification No. 252 I B. dated the 24th September, 1940 *Gazette of India*, 1940, Pt. I A., p. 123.]

III In the Schedule under the heading "Acts of the Central Legislature" after the entry "43 The Registration of Foreigners Act, 1939 (XVI of 1939)", insert the following entry —

"43 A The Indian Census Act, 1939 (XXIV of 1939) Omit sub-section (2) of section 1 "

[Notification No. 317 I B., dated the 12th November 1940 *Gazette of India*, 1940, Pt. I A., p. 221.]

IV. In the Schedule—

(1) to the entries under the heading "Acts of the Central Legislature", add the following entries —

"45 The Indian Coinage (Amendment) Act, 1940 (VI of 1940) Omit section 2.

46. The National Service (European British Subjects) Act, 1940 (XVIII of 1940) Omit sub-section (2) of section 1 "

(2) after the said heading and the entries thereunder, insert the following heading and entries:—

"Ordinances of the Governor-General.

1. The National Service (European British Subjects) Amendment Ordinance (V of 1940).

2. The Indian Coinage (Amendment) Ordinance, 1940 (VI of 1940)."

[Notification No. 313 I B., dated 5th December 1940 —*Gazette of India*, 1940, Pt. I-A., p. 234.]

V In the Schedule under the heading "Acts of the Central Legislature"—

(i) Omit entry No 28 and renumber entry No 28.1 as entry No 28.

(ii) Re number entries Nos 12(A), 13 and 41 as entries Nos 44, 45 and 46 respectively, and before entry No 11 as so renumbered, insert the following entry—

" 13 The Motor Vehicles Act, 1939 (IV of 1939).

(1) In section 1—

(i) omit sub section (2); and

(ii) for sub section (3), substitute—

" (3) It shall come into force on such date as the Resident may, by notification in the Residency Orders, appoint in this behalf but Chapter VIII shall not have effect until the 1st day of July 1943 or such subsequent date as the Resident may similarly appoint "

(2) In section 9—

(i) omit sub section (1); and

(ii) in sub section (2), for the words "any Indian State", substitute "British India, in any Indian States", and for the words "the State", substitute "British India or the State"

(3) In section 14, the words "Central Government" wherever they occur shall stand unmodified

(4) In section 23 —

(i) for sub section (1), substitute—

" (1) Subject to the provisions of section 25 and section 39 every owner of a motor vehicle who normally keeps it in the Baroda Cantonment shall cause it to be registered by the registering authority "

(ii) in sub section (2), the words "British India" shall be read as referring to British India and the Baroda Cantonment

(5) In section 28—

(i) omit sub section (1), and

(ii) in sub section (2), for the words "any Indian State", substitute "British India, in any Indian State"

(6) In sub section (1) of section 29, for the words "in one province has been kept in another province", substitute "outside the Baroda Cantonment, has been kept in that Cantonment", and omit the words "within whose jurisdiction the vehicle then is".

(7) In sub section (4) of section 31, the words "British India" shall be read as referring to British India, the Baroda Cantonment and any State or Estate in the Gujarat States Agency

(8) In section 39, the words "Central Government" wherever they occur shall stand unmodified.

(9) In clause (a) of sub section (3) of section 42, for the words "Central Government or a Provincial Government", substitute "Crown Representative or any Government in British India"

(10) For the provisos to sub section (1) of section 44, substitute—

"Provided that the Resident may abstain from constituting a Regional Transport Authority"

(11) In section 63—

(i) for sub section (1), substitute—

"(1) Except as may be otherwise prescribed a permit granted in British India or any State in the Gujarat States Agency shall be valid in the Baroda Cantonment if countersigned by the Provincial Transport Authority", and

(ii) for sub section (4) substitute—

"(4) Notwithstanding anything contained in sub section (1) a temporary permit issued by a competent authority in British India under clause (a) or clause (c) of sub section (1) of section 62 of this Act or in the Gujarat States Agency under corresponding provisions of law will be valid in the Baroda Cantonment with the concurrence given generally or for the particular occasion, of the Provincial Transport Authority"

(12) For clause (a) of sub section (2) of section 68, substitute—

"(a) the conditions subject to which a permit issued by the competent authority in British India or any State in the Gujarat States Agency shall be valid in the Baroda Cantonment"

(13) In sub section (4) of section 75, for the words "any District Magistrate or Superintendent of Police", substitute "any Magistrate or Police Officer not below the rank of a Deputy Superintendent of Police"

(14) Omit sub section (3) of section 133

(15) Omit sub sections (2) to (4) of section 134

(16) After section 134, insert —

"135 *Income and Expenditure*—The amount of any fees received and the amount of any expenses incurred in giving effect to this Act shall be credited and debited respectively to the Crown Department"

(17) In the Fourth Schedule, the words "Central Government" wherever they occur shall stand unmodified

(18) In the Sixth Schedule, for the words from "One of the groups of letters" to "These letters shall be followed by", substitute—

"The registration mark for a vehicle in the Baroda Cantonment shall be the group of letters B C A followed by".

[Notification No 303 F B dated the 9th December 1940 *Gazette of India* 1940, Pt. I A, p 23]

VI. In the Schedule under the heading "*Acts of the Central Legislature*", in the column headed "Modifications and Restrictions", in modification (6)

against the entry "20 The Code of Criminal Procedure, 1898 (V of 1910) omit the words "or the Resident".

[Notification No. 353 I B, dated the 10th December 1910 *Gazette of India*, 1910, Pt. I A, p. 238.]

VII In the Schedule after the heading "Acts of the Central Legislature and the entries thereunder, insert the following heading and entries —

Ordinances of the Governor General.

1 The National Service (European British Subjects) Amendment Ordinance, 1910 (No. VI of 1910) Omit sub-section (2) of section 1

(European British Subjects) Amendment Ordinance, 1910 (No. VI of 1910)

2 The Indian Coinage (Amendment) Ordinance, 1910 (No. VI of 1910) Omit sub-section (2) of section 1 and section 2"

(Amendment) Ordinance, 1910 (No. VI of 1910)

[Notification No. 304 I B, dated the 12th December 1910 *Gazette of India*, 1910, Pt. I A, p. 240.]

VIII In the Schedule under the heading "Ordinances of the Governor General", after the entry "2 The Indian Coinage (Amendment) Ordinance, 1910 (VI of 1910)" insert the following entry —

"3 The Indian Coinage (Amendment) Ordinance, 1910 (Ordnance No. VII of 1910) Omit sub-section (2) of section 1"

(Amendment) Ordinance, 1910 (Ordnance No. VII of 1910)

[Notification No. 383 I B, dated the 19th December 1910 *Gazette of India*, 1910, Pt. I A, p. 245.]

No 314

Page 37.—Cancel Notification No 15412, dated the 21st September, 1925 and substitute therefor the following —

No 18262, dated the 15th July 1940 —In exercise of the power conferred

risk as active service, and (iii) any person being a Government Servant, civil or military, who dies from wounds inflicted in the performance of his duties or —

The
the 20th No
Thes

with 1, *ibid.*

REMISSIONS

(a) Where the amount or value of property in respect of which the grant of probate or letters of administration is made or which is specified in the certificate under part X of the Indian Succession Act, 1925 (XXXIX of 1925) as applied does not exceed Rs. 50 000 the whole of the fees leviable in respect of that property,

(b) Where the said amount or value exceeds Rs. 50,000 the whole of the said fees in respect of the first Rs. 50 000

[*Gazette of India* 1940 Pt I A., p 198]

No 315.

Page 124—Before the heading Baroda Cantonment Property Rules 1928 insert —

No 26602, dated the 4th October 1940—In exercise of the powers conferred by section 99 A of the Cantonments Act, 1924 (II of 1924) as applied to the Cantonment of Baroda the Resident for Baroda and the Gujarat States is pleased to exempt from the Cantonment Octroi tax all articles imported into the Baroda Cantonment for their personal use by the Rulers and Chiefs of the States and Estates in the Gujarat States Agency or by persons dependent upon them

[*Gazette of India*, 1940, Pt I A., p. 193]

No. 316.

Page 152—Add at the end —

No 315 I B dated the 5th December 1940—In exercise of the powers conferred by section 12 of the National Service (European British Subjects) Act, 1940 (XVIII of 1940) as applied to the Cantonment of Baroda the Thana Circles in the Rewa Kantha Agency and the Dangs and the Railway Lands in the Gujarat States Agency and of all other powers enabling him in that behalf the Crown Representative is pleased to apply to the said Administered Areas the National Service (European British Subjects) Rules 1940 in so far as they may be applicable and subject to any amendments to which they are for the time being subject in British India

[*Gazette of India*, 1940 Pt I-A., p 231]

No 317

Page 163—Before the heading Indian Christian Marriage Act, 1872, insert —

No 251 I B dated the 26th September 1940—In pursuance of the provisions of section 79 of the Indian Evidence Act 1872 (I of 1872) the Crown Representative is pleased to authorise the Sar Nwaradhik of the Radhanpur State to certify documents for the purposes of the said section.

[*Gazette of India*, 1940 Pt. I-A., p 153]

No 319.

Page 171 Add at the end -

No 17 dated the 20th July 1910.—In exercise of the powers conferred by section 7 of the Matches (Prohibitory) Act, 1934 (XVI of 1934) the Central Government is pleased to prohibit absolutely the bringing of matches into British India from the territory of the Kotla Singani State in the Western Kathiwar Agency with effect from the 22nd July 1910

[Gazette of India, 1910, Pt. I, p. 1012]

No 27 dated the 12th October 1910.—In exercise of the powers conferred by section 7 of the Matches (Prohibitory) Act, 1934 (XVI of 1934), the Central Government is pleased to prohibit absolutely the bringing of matches into British India from the territory of the Sirohi State in the Eastern Kathiwar Agency with effect from the 13th October 1910

[Gazette of India, 1910, Pt. I, p. 1157]

No 351-I B dated the 5th December 1910.—In exercise of the powers conferred by section 12 of the National Service (European British Subjects) Act, 1910 (XVIII of 1910) as applied to each of the Areas specified in the Schedule hereto annexed (the Crown Representative is pleased) to apply to the said Areas the National Service (European British Subjects) Rules 1910 in so far as they may be applicable and subject to the amendments to which they are for the time being subject in British India

Schedule

- 1 Central India Administered Areas
- 2 Western India States Administered Areas
- 3 Railway lands in the Western India States Agency
- 4 Punjab States Railway Lands

[Gazette of India, 1910, Pt. I, p. 2153]

No 157-I B dated the 12th December 1910.—In exercise of the powers conferred by sub-section (f) of section 2 of the Indian

XIV of
Western
Super-
intendent of
Adminis-

[Gazette of India, 1910, Pt. I, p. 239]

—In exercise of the powers conferred by section 7 of the Matches (Prohibitory) Act, 1934 (XVI of 1934), the Central Government is pleased to prohibit absolutely the bringing of matches into British India from the territory of the Sirohi State in the Western Kathiwar Agency with effect from the 13th October 1910

[Gazette of India, 1910, Pt. I, p. 1724]

No. 319.

Page 186—In the Western India States Administered Areas (Application of Laws) Order, 1937, published with Notification No 196 I B, dated the 16th September 1937 —

I In the Schedule under the heading "Acts of the Central Legislature" in the column headed "Modifications and Restrictions", in modification (3) against the entry "27 The Indian Succession Act, 1925 (XXXIX of 1925)", for the word "Resident" substitute the words "Political Agent".

[Notification No 201 I B, dated the 8th August 1940. Gazette of India, 1940 Pt I A, p 104]

II. In the Schedule after the heading "Acts of the Central Legislature" and the entries thereunder, insert the following heading and entry—

"Ordinances of the Governor General.

1. The Civil Guards Ordinance, 1940 (Ordinance No VIII of 1940)
 - 1 For sub section (2) of section 1 substitute —
 "(2) It extends to the Civil Stations of Rajkot and Wadhwan, and the Sadra Bazar in the Western India States Agency"
 - 2 After section 1, insert —
 "1A In this Ordinance 'appropriate authority' means,—
 (i) in respect of the Civil Station of Rajkot, the Additional District Magistrate,
 (ii) in respect of the Civil Station of Wadhwan, the Political Agent, Eastern Kathiawar Agency, and
 (iii) in respect of the Sadra Bazar in the Western India States Agency, the Political Agent, Sabar Kantha Agency"
 - 3 In sections 2, 3 and 4 for "District Magistrate in a District or the Commissioner of Police in a Presidency town" substitute "appropriate authority".
 - 4 In section 2, for "district or Presidency Town" substitute "Civil Station of Rajkot, the Civil Station of Wadhwan or the Sadra Bazar in the Western India States Agency".
 - 5 In section 5—
 (a) in sub section (1), for "Act" substitute "law",
 (b) in sub section (2), for "District Magistrate or of the Commissioner of Police in a Presidency town" substitute "appropriate authority".
 - 6 In section 8—
 (a) omit "or in any Chief Commissioner's Province other than British Baluchistan, the Chief Commissioner";
 (b) in clause (a), for "District Magistrate" substitute "appropriate authority";
 (c) in clause (d), for "Central or Provincial Act" substitute "law for the time being in force".

[Notification No 250 I B, dated the 19th September 1940. Gazette of India, 1940, Pt I A, p 131]

III. In the Schedule under the heading "Acts of the Central Legislature", after the entry "37. The Registration of Foreigners Act, 1939 (XVI of 1939)", insert the following entry:—

"37-A. The Indian Census Omit sub-section (2) of section 1." Act, 1939 (XXIV of 1939)

[Notification No 293—I.B., dated the 21st October, 1940, Gazette of India, 1940, Pt I A, p 199]

IV In the Schedule under the heading "Acts of the Central Legislature", in the column headed "Modifications and Restrictions", in the modification (2) against the entry "18 The Code of Civil Procedure, 1908 (V of 1908)", after the words "British Burma", insert the words "or the Colony of Aden"

[Notification No. 301 I B, dated the 28th October, 1940, *Gazette of India*, 1940, Pt. I A, p. 203]

V In the Schedule under the heading "Acts of the Central Legislature", after the entry "37-A The Indian Census Act, 1939 (XXIV of 1939)", insert the following entry —

"37-B The Indian Coinage (Amendment) Act, 1940 (VI of 1940) Omit section 2"

[Notification No. 747 I B, dated the 5th December 1940 *Gazette of India*, 1940, Pt. I A, p. 233]

VI In the Schedule under the heading "Acts of the Central Legislature", after entry No. 38, insert the following entry —

"39 The National Service (European British Subjects) Act, 1940 (XIII of 1940) as amended by Ordinance No. V of 1940 Omit sub section (2) of section 1"

[Notification No. 349 I B dated the 5th December 1940 *Gazette of India*, 1940, Pt. I A, p. 235]

VII In the Schedule after the heading "Acts of the Central Legislature", and the entries thereunder, insert the following heading and entry —

Ordinances of the Governor General

I The Indian Coinage (Amendment) Ordinance 1940 (Ordinance No. VI of 1940) Omit section 2"

[Notification No. 368-I B, dated 12th December 1940 *Gazette of India* 1940, Pt. I A, p. 240]

VIII In the Schedule under the heading "Acts of the Central Legislature", re number entry 15 A, as entry 15 B, and before entry 15 B, as so re numbered, insert the following entry —

15 A The Reformatory Schools, Act, 1897 (VIII of 1897)—

(1) Omit sub section (3) of section 1

(2) For section 15, substitute—

"15 The Resident may, after consulting the Government or Darbar concerned, by general or special order direct that any Reformatory School situated in a Province of British India or in an Indian State shall be available for the reception of youthful offenders directed to be sent to a Reformatory School by any Court or Magistrate in the Western India States Agency and may thereupon make provision for the removal of any youthful offenders accordingly"

[Notification No. 371 G, dated the 14th December 1940 *Gazette of India*, Pt. I A, p. 241]

"3 The Indian Coinage
Second Amendment
Ordinance, 1940 (Ordi-
nance No XII of
1940)

No. 320.

" a Barrister who is enrolled in any of the High Courts in British India,
any "

No 321.

[H I S Agency Notification No 123 dated the 23rd October 1940]

No. 322.

"Convention offence or any offence against the Defence of India Act, 1939 (XXXV of 1939) or against the Rules made thereunder".

[Notification No. 329 I B, dated the 25th November 1940 *Gazette of India*, 1940, Pt. I A, p. 229]

No. 323.

No 151, dated the 14th December, 1910.—In exercise of the powers conferred by " " " "

178 1. da

Notification

for the States of Western India is pleased to direct as follows —

(1) The export of tea to Cutch from the administered areas in the Eastern Kathiawar Agency and the Sabar Kantha Agency shall be

(2) After schedule B add the following schedule —

"Schedule B B"

No. Names of goods or articles

1 Cigars

2 Cigarettes

3 Silk yarn including thrown silk warps and yarn spun from silk waste or noils, but excluding sewing thread

4 Artificial silk yarn and thread "

(H. I. S. Agency Notification No. 13* dated the 29th November 1910)

No. 325

Page 446 —(1) Add at the end —

No. 150, dated the 13th December 1910 —In exercise of the powers conferred by the Government of India (Central Government) Notification No. 150, dated the 13th December 1910, and confirmed by the Political Department, dated the 1st April 1937, the Hon'ble the Resident for the States of Western India is pleased to prescribe the following rules, viz —

- 1 (i) These rules may be called the *Hala Memon Rules, 1911*
- (ii) They extend to the territory included in the Civil Station of Rajkot.
- (iii) They shall come into force on the 1st day of July, 1911

- 2 Subject to the provisions of rule 3, all Hali Memons shall, in matters of succession and inheritance, be governed by the Muhammadan Law
- 3 Nothing in these Rules shall affect any right or liability acquired or incurred before their commencement or any legal proceeding or remedy in respect of any such right or liability and any such legal proceeding or remedy may be continued or enforced as if these Rules had not been issued
- 4 The Hali Memon Rules, 1932 in so far as they relate to the application of the Muhammadan Law to the Hali Memons of Rajkot Civil Station in matters of succession and inheritance, are hereby repealed

(2) Add the following footnote to the Hali Memon Rules 1932, published with Notification No. 13, dated the 15th February 1932 —

“The Hali Memon Rules, 1932 in so far as they relate to the application of the Muhammadan Law to the Hali Memon of Rajkot Civil Station in matters of succession and inheritance are repealed by W. I. S. Agency Notification No. 150, dated the 13th December 1940. Printed on this page

No. 32C

Page 586 — In the Wadhwan Civil Station Octroi Duty Rules published in Part III of Notification No. 1 dated the 10th January 1927 —

(1) At the end of rule 3 add the following clause —

“(4) In addition to the duty leviable under clause (1) above an octroi duty on foreign goods or articles of the description given in Schedule B annexed to these Rules which on importation into British India are liable to duty at British Indian tariff rates shall on the import thereof be payable to the Civil Station authorities at British Indian tariff rates, if the importer of such goods or articles is unable to satisfy the Naladar that the duty on such goods or articles has already been paid at British Indian tariff rates.”

(2) In clause (1) of rule 3 for the words “the Schedule” substitute the words “Schedule A”.

(3) Name the existing schedule as “Schedule A” and after Schedule A, as so named, add the following schedule —

“Schedule B

No. Names of goods or articles

1 Cigars

2 Cigarettes

3 Silk yarn including thrown silk yarn and laces with small waste or roils, but excluding spun silk.

4 Artificial silk yarn and laces.

(W. I. S. Agency Notification No. 150 dated the 13th December 1940)

VOLUME III

No 381

Page 5—To the entries under the Indian Evidence Act, 1872, add —

No 307 I B, dated the 29th October 1940—In pursuance of the provision of section 79 of the Indian Evidence Act, 1872 (I of 1872), the Crown Representative is pleased to authorise the Judicial Member, Dhar State, to certify documents for the purposes of the said section

[Gazette of India, 1940, Pt I A, p 203]

No 382.

Page 16—For the entries relating to Notifications Nos 337 I dated the 22 May 1929 and 536 I, dated the 16th October, 1933 substitute —

No 248 I B, dated the 19th September 1940—In exercise of the power

No 337 I, dated the 22nd May 1929 and No 536 I dated the 16th October 1933, the Crown Representative is pleased to direct that any officer who is at the time being an Assistant to the Political Agent in Malwa shall by virtue of that office exercise the powers of an Additional Sessions Judge, Additional District Magistrate, and Magistrate of the First Class as defined in the Code of Criminal Procedure, 1898 (Act V of 1898) within the limits of the Malwa Agency excluding all railway lands and other administered areas therein in all criminal proceedings in respect of which the Crown Representative has jurisdiction except proceedings against European British subjects or persons jointly charged with European British subjects

Provided that in exercising his powers as an Additional Sessions Judge the officer may take cognizance of an offence as a Court of original criminal jurisdiction without the accused person being committed to him by a Magistrate, and shall, when so taking cognizance of an offence, follow the procedure laid down by the said Code for the trial of warrants issued by Magistrates

[Gazette of India, 1940, Pt I A, p 131]

No. 383.

Page 21—Add at the end —

No 12 D, dated the 7th December 1940—In exercise of the powers conferred by section 59 of the Indian Income tax Act, 1922 (XI of 1922) as applied to the Central India Administered Areas and of all other powers enabling it that behalf the Central Board of Revenue is pleased to apply to the said Areas the Indian Income tax Rules, 1922 in so far as they relate to the assessment and collection of income tax on salaries received by persons who are in service of the Crown or British subjects who are in the service of a company established in the exercise of the powers of the Crown Representative that behalf, subject to all amendments to which the said rules are subject

- 2 In section 2 for 'district or Presidency town, as the case may be' substitute 'Cantonment or Mhow'.
- 3 In section 7,—
- (1) in sub-section (1) for "Act" substitute "law";
- (2) in sub-section (2) omit 'or of the Commissioner of Police in a Presidency town'.
- 4 In section 8—
- (a) omit 'or in any Chief Commissioner's Province other than British Baluchistan, the Chief Commissioner';
- (b) in clause (d) for 'Central or Provincial Act' substitute 'any law for the time being in force'.
- Notification No. 253 I B dated the 12th September 1910. *Gazette of India*, 1910, Pt. I, p. 132.

III In the Schedule under the heading "Acts of the Central Legislature", in the column headed "Modifications and Restrictions", in modification (4) against the entry "40 The Code of Civil Procedure, 1909 (V of 1908)", after the words 'British Burma', insert the words 'and Aden'.

India, 1910, Pt. I, p. 132.

In
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inserted by Notification No. 253 I B, dated 22nd August 1910. *Gazette of India* 1910 Pt. I, p. 119.

1910, Pt. I, p. 119.

IV. In the Schedule under the heading " Acts of the Central Legislature ", for the entry No 53 relating to the Income Tax Act 1922 (XI of 1922), substitute the following entry —

" 53 The Indian Income Tax Act, 1922 (XI of 1922) (1) Omit sub sections (2) and (3) of section 1

(2) In clause (8) of section 2 for ' Central Government ' substitute Resident

[Notification No 327 I B, dated the 27th November 1940 *Gazette of India* 1940, Pt I-A, p 229]

V. In the Schedule —

(1) under the heading " Acts of the Central Legislature ", after entry No. 68 insert the following entry —

" 68 A The Indian Coinage (Amendment) Act, 1940 (VI of 1940)

(2) under the heading " Ordinances of the Governor General ", re number entry No 1 as entry No 2 and before entry 2 as so renumbered, insert the following entry —

" 1 The Indian Coinage (Amendment) Ordinance, 1940 (VI of 1940)

[Notification No 342 I B, dated the 5th December 1940, *Gazette of India*, 1940, Pt I A, p 234]

VI In the Schedule under the heading " Acts of the Central Legislature " after entry No 69 insert the following entry —

" 70 The National Service (European British Subjects) Act, 1940 (XVIII of 1940) as amended by Ordinance No V of 1940

[Notification No 346 I B, dated the 5th December 1940 *Gazette of India*, 1940 Pt I A, p 234]

VII In the Schedule under the heading " Ordinances of the Governor General " re number entry No 1 as entry No 2, and before this entry as so re numbered insert the following entry —

" 1 The Indian Coinage (Amendment) Ordinance, 1940 (No VI of 1940) Omit sub section (2) of section 1.

[Notification No 363 I B, dated the 12th December 1940, *Gazette of India*, 1940, Pt I A, p 239]

VIII. In the Schedule under the heading " Ordinances of the Governor General after the entry " 2 The Civic Guards Ordinance, 1940 (Ordinance No VIII of 1940) ", insert the following entry —

" 3 The Indian Coinage (Second Amendment) Ordinance, 1940 (Ordinance No VII of 1940) Omit sub section (2) of section 1 "

[Notification No 358 I B, dated the 19th December 1940 *Gazette of India*, p 246]

(2) In section 9—

(i) omit sub section (1) and

(ii) in sub section (2) for the words "in any Indian State", substitute "British India or any Indian State", and for the words "the State" substitute "British India or the State".

(3) In section 11 the words "Central Government" wherever they occur shall stand unmodified.

(4) In section 23—

(i) for sub section (1) substitute—

'(1) Subject to the provisions of section 25 and section 32, every owner of a motor vehicle who normally keeps it in the Administered Areas in Central India shall cause it to be registered by the registering authority',

(ii) in sub section (2) the words "British India" shall be read as referring to British India and the Administered Areas in Central India.

(5) In section 28—

(i) omit sub section (1) and

(ii) in sub section (2) for the words "any Indian State", substitute "British India, or any Indian State".

(6) In sub section (1) of section 29, for the words "in one province has been kept in another province", substitute "outside the Administered Areas in Central India, has been kept in the Areas", and omit the words "within whose jurisdiction the vehicle then is".

(7) In sub section (1) of section 34 the words "British India" shall be read as referring to British India, the Administered Areas in Central India, and any Indian State.

(8) In section 39, the words "Central Government" wherever they occur shall stand unmodified

(9) In clause (a) of sub section (3) of section 42, for the words "Central Government or a Provincial Government", substitute "Crown Representative or any Government in British India"

(10) For the proviso to sub section (1) of section 44 substitute—

"Provided that the Resident may abstain from constituting a Regional Transport Authority"

(11) In section 63—

(i) for sub section (1), substitute—

"(1) Except as may be otherwise prescribed, a permit granted in British India or any State shall be valid in the Administered Areas in Central India if countersigned by the Provincial Transport Authority", and

(ii) for sub section (4), substitute—

"(4) Notwithstanding anything contained in sub section (1), a temporary permit issued by a competent authority in British India under clause (a) or clause (c) of sub section (1) of section 62 of this Act or in an Indian State under provisions of law corresponding thereto will be valid in the Administered Areas in Central India with the concurrence given generally or for the particular occasion, of the Provincial Transport Authority"

(12) For clause (i) of sub section (2) of section 68, substitute—

"(i) the conditions subject to which a permit issued by the competent authority in British India or any State shall be valid in the Administered Areas in Central India,"

(13) Omit sub section (3) of section 133

(14) Omit sub sections (2) to (4) of section 134

(15) In the Fourth Schedule the words 'Central Government' wherever they occur shall stand unmodified

(16) In the Sixth Schedule, for the words from "One of the groups of letters" to "These letters shall be followed by", substitute —

"The registration mark for a vehicle in the Administered Areas in Central India shall be the group of letter CIC followed by".

[Notification No. 330 LB, dated the 24th December 1940 *Gazette of India*, 1940, Pt I A, p 247]

No. 385.

Page 37—Add at the end —

"For application of the National Service (European British Subjects) Rules, 1940, to the Administered Areas in Central India—see Notification No. 351 I B, dated 5th December 1940—*Gazette of India*, 1940, Part I A, page 235—Printed in Volume II, page 173"

Page 368 — In Notification No 2551 B, dated the 10th September 1937, after clause (b) of paragraph I, insert the following clause —

"(b) (i) Seller of fruit for a week or less 0 1 0

"(b) (ii) Seller of fruit for more than a week but less than 15 days 0 8 0

"(b) (iii) Seller of fruit from village, &c, from outside the Cantonment 0 0 3

[Notification No 2536 B, dated the 27th July 1940 C I Agency (Govt) Gazette, No 38, dated the 31st July 1940]

No. 389.

Page 415 — In Notification No 2119 B, dated the 21st June 1940, for the word "Accessories" substitute the word "Accessories".

[Notification No 2761 B, dated the 20th August 1940 C I Agency (Govt) Gazette No 41, dated the 31st August 1940]

No. 390.

Page 574—In Notification No 1741-B, dated the 6th June 1938, in the Schedule under the heading "DESCRIPTION OF TAX" substitute the following rates for the existing rates:—

Rs. a p.

(3) On private motor cars and lorries	..	25	0	0	Per annum.
(5) On motor cycles	..	12	8	0	"
(6) On bicycles	..	1	9	0	"

[Notification No 2143 B, dated the 24th June 1940, *C. I. Agency (Govt.) Gazette* No 34, dated the 3rd July 1940.]

[Notification No. 311 B, dated the 3rd October 1910 (Gazette of India, 1910, Pt. I A, p. 245)]

II In the Schedule after the heading "Acts of the Central Legislature" or the entries therein, insert the following Ordinances and Entries—

Ordinances of the Governor General

1 The National Service (European British Subjects) Act, 1910 (XVIII of 1910)

(Section 1—Amendment)
(Ordinance No. VII of 1910)

The Indian Coinage Ordinance, 1910 (Ordinance No. VII of 1910)

[Notification No. 360 I B, dated the 1st December 1910 (Gazette of India, 1910, Pt. I A, p. 245)]

III after the entry "Ordinance No. VII of 1910" in the Schedule, insert the following entry—
"Ordinance No. VII of 1910" of the Governor General, Ordinance, 1910 (Ordinance No. VII of 1910)

1 The Indian Coinage Ordinance, 1910 (Ordinance No. VII of 1910)

[Notification No. 382-I B, dated the 19th December 1910 (Gazette of India, 1910, Pt. I A, p. 245)]

Page 30 — 1dd at the end —

No. 155.

No 264 I B, dated the 3rd October 1910—In exercise of the powers conferred by section 12 of the National Service (European British Subjects) Act, 1910 (XVIII of 1910), as applied to the Gwalior Residency Area, and of all other powers enabling him in that behalf the Crown Representative is pleased to apply the National Service (European British Subjects) Rules, 1910, to the said Area—in so far as the said Rules may be applicable, and subject to any amendments to which they are for the time being subject in British India.

[Gazette of India, 1910 Pt I A p 150]

I In the Schedule under the heading " Acts of the Central Legislature ", after the entry " 81 The Indian Census Act, 1939 (XXIV of 1939) ", insert the following entries —

*[§3 The Excess fits Tax Act (XV of 1940)	Pro 1940	Omit sub sections (2) and (3) of section 1]
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II In the Schedule under the heading "Acts of the Central Legislature", in the column headed "Modifications and Restrictions", in modification (5) against the entry "53 The Code of Civil Procedure, 1908 (V of 1908)", for the brackets and words "(British Burma)", substitute the words "British Burma or the Colony of Aden"

[Notification No 302 I B, dated 28th October 1940 *Gazette of India* 1940 Pt I A,
p 203.]

III In the Schedule (a) Under the heading " Acts of the Central Legislature ", after the entry " 81 The Indian Census Act 1939 (XXIV of 1939) ", insert the following entry —

"81 A. The Indian Commerce (Amendment) Act, 1910 (VI of 1910) Omit section 2"

(b) After the heading "Acts of the Central Legislature" and the entries thereunder, insert the following heading and entries —

' Ordinances of the Governor General

¹ The Indian Co name Omet sub section (2) of section I
(Amendment) Ori
nance 1940 (Ord nance
No VI of 1940)

* The Indian Coinage (Second Amendment) Ordinance 1940 (Ordinance No. XII of 1940)

[Notification No 357 I B dated the 19th December 1940 *Gazette of India* 1940 Pt I (p. 248)]

No. 157.

Page 159 —In Notification No 576S, dated the 17th October, 1925 —

I Ins " " " " " " " " " " " "

employ)"

1934 (XX " " " " " " " " " " " ")

in clause (i) of the notification

[Notification No. 3273 C/101 P/40, dated the 21st November 1940 *Gazette of India*
1940 Pt. I V, p. 227]

¹ Entry 82 was inserted by Notification No. 157 I B., dated the 4th July 1940 *Gazette of India*, 1940 Pt. I 4, p. 89

* Entry 83 was inserted by Notification No. 172 I B., dated the 17th July 1940 *Gazette of India*, 1940, Pt. I-A, p. 97

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(b) 2nd quality				55	0	0†	,

[Gazette of India 1940 Pt I A p 225]

No 378 I B, dated the 18th December 1940 —In exercise of the powers conferred by sub section (1) of section 2 of the Indian Census Act 1939 (XXIV of 1939), as applied to the District of Abu and the Rajputana and Central India Railway Lands, and in supersession of the notification of the Political Department, No 322-I B, dated the 21st November 1940 the Crown Representative is pleased to appoint the officer holding for the time being the off

Railway Lands in Rajputana

[Gazette of India, 1940, Pt I A p 244]

No 159

Page 274 —For the entry relating to Notification No 449 I dated the 26th June 1929 substitute —

No 242 I B, dated the 12th September 1940 —In exercise of the powers conferred by sub section (2) of section 5 of the Indian Income tax Act 1922 (XI of 1922) as applied to the District of Abu and in supersession of the notification of the Government of India in the late Foreign and Political Department, No 449 I dated the 26th June 1929 the Crown Representative is pleased to appoint the Commissioner of Income tax Bombay Sind British Baluchistan and Ajmer Merwara for the time being to be the Commissioner of Income tax for the said District

[Gazette of India 1940 Pt I A p 127]

No 160

Page 274 — For the entry relating to Notification No 328 I B, dated the 31st August 1939, substitute —

No 243 I B dated the 12th September 1940 —In exercise of the powers conferred by sub section (3) of section (5) of the Indian Income tax Act, 1922 (XI of 1922) as applied to the District of Abu, and in supersession of the notification of the Political Department, No 328 I B dated the 31st August, 1939 the Crown Representative is pleased to appoint the Appellate Assistant Commissioner of Income tax for the time being Bombay, Sind and British Baluchistan to be the Commissioner of Income tax for the said District

[Gazette of India, 1940 Pt. I A. p 128]

*Or 10 Chataks per rupee.

†Or 11½ Chataks per rupee.

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	second sort							
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4	Barley				3	12	0	"
5	Makki	4	4	0	"
6	Mung				7	0	0	"
7	Kura				2	12	0	"

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(N. A. A. N. 11111) 1st 1th 1th July 1910 (1st 1th 1th 1910) 1st 1th 1th 1910

III. *To be decided under the control of the Civil Legislature —*

(i) *h* number entry $\Delta = 92$. The Income tax Law is effective 1st January 1910 (VII.1.1910) as entry $\Delta = 91$.

(ii) If not, then insert the following entry —

(7) If t is a term, then $\langle t \rangle$ is a formula.

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(b) (7)(C), (D)

(iii) after entry of a new number insert the following entry —

(5) The Natural Hereditability (η) fraction is[illegible]

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[N 11111 N 21111 late 11e 3rd October 1940 C 11111 of 11111 1940 Pt 1 11111]

IV In the Schedule after the heading "Accounts of the Central Legislature" and the entries thereunder, insert the following heading and entries—
"Ordnances of the Governor General"

"Ordnances of the Governor General"

The Payment of Wages (Amendment) Ordinance 1910 (No III of 1910)

The Indiana Code
(Amendment)
of 1940 (No
1940)

Ordinance
VI of

Omit sub section (2) of section 1 and section 2"

[Notification No 27 I B dated the 9th October 1940
p 191] *Gazette of India 1940 Pt I A.*

V In the Schedule to the entries under the heading " Ordinances of the Governor General ", add the following entry —

" 3 The Indian Coinage Omit sub section (2) of section 1 '
(Second Amendment)
Ordinance, 1940 (No
XII of 1940)

[Notification on No 316 I B, dated the 11th November 1940 *Gazette of India* 1940, Pt I A,
p 221]

No 185.

Page 314 —For Notification No 1009 I, dated the 4th March 1891 substitute —

—In exercise of the powers conferred by section 3 (XIII of 1885) as applied to the other powers enabling him in that

behalf, and in supersession of the notification of the Government of India in the late Foreign Department No 1009 I dated the 4th March 1891, the Crown Representative is pleased to apply to the said areas the Indian Wireless (Territorial Waters) Rules 1929 the Indian Wireless (Foreign Aircraft) Rules, 1930, the Indian Telegraph Rules 1932 the Indian Wireless Telegraphs Rules, 1933, the Rule regarding establishment of a telegraph within the limits of a single house, published with the notification of the Government of India in the late Foreign Department No P B/30 dated the 29th March 1933 as Receiving Apparatus published with the notification of India in the Department of Communications, No W L-100/230 (Coll 2) dated the 1st January 1940, made under the said Act for the time being in force in British India, subject to the amendments to which they are for the time being subject in British India and to the following modifications, namely —

- 1 In all the above rules save where the context otherwise requires and save as hereinafter provided,
 - (a) references to the Governor General in Council and the Central Government shall be construed as references to the Crown Representative,
 - (b) references to the Local Government and the Provincial Government shall be construed as references to the Resident at Hyderabad,
 - (c) references to British India and a Province in British India shall be construed as references to the Administered Area concerned; and
 - (d) references to any Act shall be construed as references to that Act as applied to the said Administered Areas.
- 2 Sub rule (2) of rule 1 of the Indian Wireless (Foreign Aircraft) Rules, 1930 and
Sub rule (2) of rule 1 of the Indian Wireless Telegraphs Rules, 1933 shall be omitted

VOLUME VI.

No. 93.

Page 19—Before the heading "Indian Arms Act, 1878", insert—

No 163/40, dated the 5th December 1940—In exercise of the powers conferred by sub section (2) of section 86 of the Indian Christian Marriage Act, 1872 (XV of 1872), the Central Government is pleased to delegate to the Resident in Mysore the powers and functions exercisable by it under sections 6, 8 and 9 of the said Act, as regards the Banganapalle and Sandur States.

[Gazette of India, 1940, Pt. I, p. 1691]

No. 94.

Page 38—In the Civil and Military Station of Bangalore (Application of Laws) Order, 1937, published with Notification No. 3-Fed. I., dated the 1st April 1937 :—

I. In the Schedule under the heading "Acts of the Central Legislature"—

(a) Re number entries Nos. 133 and 134 as entries Nos 131 and 135 respectively and before entry No 134 as so re numbered, insert the following entry—

"133 The Workmen's Compensation (Amendment) Act, 1939 (VIII of 1939) In sub-section (2) of section 1 for 'May, 1939' substitute 'August 1, 1940'

(b) after entry No. 135 as so re numbered, insert the following entries :—

"136 The Indian Succession (Amendment) Act, 1939 (VII of 1939)	Omit sub section (2) of section 1
137 The Criminal Law Amendment Act, 1939 (XII of 1939)
138 The Commercial Documents Evidence Act, 1939 (XXX of 1939)	..
139 The Indian Carriage Tax Act (Amendment) Act 1939 (XXXI of 1939)
140 The Indian Railways (Amendment) Act, 1939 (XXXIII of 1939)
141 The Repealing and Amending Act 1939 (XXXV of 1939)
142 The Indian Aircraft (Amendment) Act, 1939 (XXXVII of 1939)	Omit section 2.
143 The Indian Oaths (Amendment) Act, 1939 (XXXIX of 1939)
"144 The Income-tax Law Amendment Act, 1940 (VII of 1940)	Omit section 10]

[Notification No. 183-I B., dated the 25th July 1940. Gazette of India, 1940, Pt. I B., p. 92]

1 This entry was inserted by Notification No. 175-I B., dated the 18th July 1940, Gazette of India, 1940, Pt. I B., p. 93.

3. In rule 2 of the Rules for the Licensing of Wires & Reconductors 1910 for the words "Central Government", there shall be substituted the words "Central Government or the Crown Representative" and so on.

[*Gazette of India* 1910, Pt. I A, p. 104]

No 186.

Page 610 — At the end —

No 262 I B., dated the 3rd October 1910 — In exercise of the powers conferred by section 12 of the National Service (European British Subjects) Act, 1910 (XVIII of 1910) as applied to the Hyderabad Administered Areas, and all other powers enabling him in that behalf, the Crown Representative is directed to apply to the said Areas the National Service (European British Subjects) Rules, 1910 in so far as the said Rules may be applicable, and subject to amendments to which they are for the time being subject in British India.

[*Gazette of India* 1910, Pt. I A, p. 104]

No 11 D.
by section 59
Hyderabad A

by half the Central Board of Revenue is pleased to apply to the said Areas the Indian Income tax Rules, 1922 in so far as they relate to the assessment and collection of Income tax on salaries received by persons who are in the service of the Crown or British subjects who are in the service of a local authority.

Save where the context otherwise requires—

- (i) references to British India shall be construed as references to the Hyderabad Administered Areas, and
- (ii) references to the Central Government or the Government shall be construed as references to the Crown Representative.

[*Gazette of India*, 1910, Pt. I, p. 1699]

(ii) for sub section (4), substitute—

given generally or for the particular occasion, of the Provincial Transport Authority”

(12) For clause (1) of sub section (2) of section 68, substitute—

“(1) the conditions subject to which a permit issued by the competent authority in British India or the Mysore State shall be valid in the Civil and Military Station of Bangalore,”

(13) In sub section (4) of section 75 for the words “any District Magistrate or Superintendent of Police”, substitute “the District Magistrate or the Commissioner of Police”.

(14) Omit chapter VIII

(15) Omit sub section (3) of section 133

(16) Omit sub sections (2) to (4) of section 134.

(17) After section 134 insert —

‘ 135 — *Income and Expenditure*—

The amount of any fees received and the amount of any expenses incurred in giving effect to this Act shall be credited and debited respectively to the Municipal Fund of the Civil and Military Station of Bangalore ’

(18) In the Fourth Schedule, the words “Central Government” wherever they occur shall stand unmodified

(19) In the Sixth Schedule, for the words from “One of the groups of letters” to “These letters shall be followed by”, substitute —

‘ The registration mark for a vehicle in the Civil and Military Station of Bangalore shall be the group of letters BAN followed by ’

[Notification No 244-I B., dated the 12th September 1940 *Gazette of India*, 1940, Pt I A, p 123]

III In the Schedule after the heading “Acts of the Central Legislature” and the entries thereunder, insert the following heading and entry —

“Ordinances of the Governor General

1 The Civic Guards Ordinance, 1940 (Ordinance No. VIII of 1940). (1) In section 3 for “The District Magistrate or the Commissioner of Police in a Presidency town” substitute “the District Magistrate or the Commissioner of Police”

(2) In sections 3 and 4 for “The District Magistrate in a district or the Commissioner of Police in a Presidency town” substitute “The Commissioner of Police”.

(3) In sub-section (2) of section 5 for “the District Magistrate or of the Commissioner of Police in a Presidency town” substitute “the Commissioner of Police”.

(4) In section 8—

(i) omit the words “, or in any Chief Commissioner’s Province other than British Baluchistan, the Chief Commissioner”, and

(ii) in clause (a) for “District Magistrate” substitute “Commissioner of Police”

[Notification No. 241 L.B., dated the 12th September 1940 *Gazette of India*, 1940, Pt I-A, p 127]

IX In the Schedule under the heading " Ordinances of the Governor General ", after the entry " 3 The Civic Guards Ordinance, 1940 (Ordinance No. VIII of 1940) ", insert the following entry —

4 The Indian Coinage Ordinance (2) of section 1 "
(Second Amendment)
Ordinance 1940 (Ordinance No. XII of 1940)

[Notification No. 334 I B, dated the 19th December 1940 *Gazette of India* 1940 Pt I A, p. 245]

No 95.

Page 87—In the Bangalore Municipal Law, 1897, published with Notification No. 2175 I A dated 9th June 1897, after section 192 insert —

I " 192 A The President may empower any Municipal Officer or servant or any class of Municipal Officers or servants to exercise the powers of a Police Officer—

(a) for the purposes of this Law or

(b) in respect of offences falling under sections 61 65 and 65 A of the Bangalore Civil and Military Station Police Law 1927 "

[Notification No. 193 I B dated the 7th August 1940 *Gazette of India* 1940 Pt I A, p. 191]

II For section 67 A substitute the following section —

' 67 A Method of assessment of duty on transfer of immovable property —

(1) A duty shall be levied on all transfers of immovable property situated in the order of two of the property or as the case may be the amount secured by the mortgage when such amount or value exceeds five thousand rupees

(2) The duty shall be levied in the form of a surcharge on the duty which the instrument of transfer or in the case of a sale by order of a Civil Court the certificate of sale is chargeable under the Indian Stamp Act 1899 as applied to the Station and recovered from the person by whom in the absence of an agreement to the contrary, the said duty would be payable under the said Act "

[Notification No. 339 I B dated the 19th December 1940 *Gazette of India*, 1940 Pt I A, p. 246]

No 96

Page 130—In the Bangalore Prevention of Adulteration Law, 1937, published with Notification No. 153 I B, dated 5th August 1937 —

1 In sub-section (1) of section 5 after the words " Every person who " insert the words " by himself or by any servant or agent ".

2 In section 10—

(1) after the words " or secure such article " insert the words and brackets " (along with its container) ", and

IV. In the Schedule under the heading "Acts of the Central Legislature" after the entry "114 The Income Tax Law Amendment Act, 1910 (XII of 1911)" insert the following entry—

"115 The National Service (European British Subjects) Act, 1910 (XVIII of 1910) as amended by Ordinance No V of 1911"

[Notification No. 232 I.B., dated the 2nd October 1911. *Gazette of India*, 1911, Pt. I A, p. 184.]

V. In the Schedule to the entries under the heading "Acts of the Central Legislature" add the following entry—

"116, The Indian Census Ordinance section (2) of section 1"
Act 1939 (XXIV of 1939)

[Notification No. 292 I.B., dated the 24th October, 1910. *Gazette of India*, 1910, Pt. I A, p. 191.]

VI. In the Schedule under the heading "Acts of the Central Legislature" in the column headed "Modifications and Restrictions" against the entry "132. The Motor Vehicles Act 1939 (IV of 1939) —

(a) for modification (1) substitute the following modification—

"(1) In section 1

(i) omit sub-section (2) and

(ii) for sub-section (3) substitute—

"(3) It shall come into force on such date as the Resident may by notification in the Residency Orders appoint in this behalf, but Chapter VIII shall not have effect until the 1st day of July 1913 or such subsequent date as the Resident may similarly appoint."

(b) Omit modification (14)

[Notification No. 311 I.B., dated the 6th November 1910. *Gazette of India* 1910, Pt. I A, p. 206.]

VII. In the Schedule under the heading "Acts of the Central Legislature", after entry No. 144, insert the following entry—

"144 A The Indian Coinage (Amendment) Act, 1910 (VI of 1910)"

[Notification No. 341 I.B., dated the 5th December 1910. *Gazette of India*, 1910, Pt. I A, p. 239.]

VIII. In the Schedule under the heading "Ordinances of the Governor General", re number entry No. 1 as entry No. 3 and before entry No. 3 as so re numbered, insert the following entries—

"1 The National Service (European British Subjects) Amendment Ordinance, 1910 (No V of 1910)

2 The Indian Coinage (Amendment) Ordinance 1910 (No VI of 1910)

[Notification No. 361 I.B., dated the 12th December 1910. *Gazette of India*, 1910, Pt. I A, p. 239.]

(b) Insert the following proviso:—

"Provided that the person from whom the said article was seized may take delivery of the same or, from the Office of the Municipal Commissioner within a week from the receipt of notice from the President as regards the disposal of the said article."

3 In section 12, after the words "Public analyst" insert the words "Government analyst or both".

4 In section 17—

(a) In sub-section (5) for the words "facts stated therein", substitute the words "contents thereof", and

(b) after the proviso insert the following further proviso—

"Provided further that no Court shall take cognizance of or admit in evidence any certificate granted by the Government analyst unless the article of food in respect of which such certificate was issued was sent for analysis by the President under sub-section (2) or by the Court under the foregoing proviso."

5 In section 19 for the words "with the consent in writing of the President" substitute the words "by the President".

[Notification No 1031 B dated the 6th August 1910 *Gazette of India* 1910 Pt. I A, p. 1031]

No 97.

Page 201—Add at the end—

No 2551 P dated the 26th September 1910—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937, and of all other powers enabling him in that behalf, the Crown Representative is pleased to make the following Law providing for matters connected with the assessment and recovery of land revenue in the Civil and Military Station of Bangalore, namely—

THE CIVIL AND MILITARY STATION OF BANGALORE LAND REVENUE LAW, 1910

1 (1) This law may be called the Civil and Military Station of Bangalore Land Revenue Law, 1910

(2) It extends to the whole of the Civil and Military Station of Bangalore (hereinafter referred to as the Station)

(3) It shall come into force on such date as the Resident may, by notification in the official Gazette, appoint

2 (1) On the commencement of this Law the Khots Leases Act, 1865, and the Madras Revenue Summonses Act, 1869, shall cease to apply to the Station.

Short title,
extent and
commence-
ment

Bombay
Act I of
1865,
Bia law
Act III
of 1869,

Repeal and
Savings.

Provided that all proceedings taken under the said Acts as applied to the Station and pending at the commencement of this Law shall be continued as if they had been taken under the corresponding provisions of this Law

(2) All appointments, delegations, notifications, orders, by-laws, rules and regulations made or issued in pursuance of the said Acts as applied to the Station shall, in so far as they are consistent with the provisions of this Law, have effect as if they had been made or issued under or in pursuance of the corresponding provisions of this Law

3 In this Law, unless there is something repugnant in the subject or context—

Interpreta-
tion section

Revenue offi-
cer

(1) "revenue officer" means every officer of any rank whatsoever employed in or about the business of the land revenue or of the surveys, assessment, accounts or records connected therewith

Survey officer

(2) "survey officer" means an officer appointed under, or in the manner provided by, section 8 of this Law

Land.

(3) "land" includes benefits to arise out of land, and thing attached to the earth or permanently fastened to anything attached to the earth, and also shares in or charges on, the revenue or rent of villages, or other defined portions of territory

Estate

(4) "estate" means any interest in land and the aggregate of such interests vested in a person or aggregate of persons capable of holding the same

Survey num-
ber

(5) "survey number" means a portion of land of which the area and other particulars are separately entered under an indicative number in the survey records of the village town or city in which it is situated and includes a recognised share of a survey number

Recognized
share of a
survey number

(6) "recognised share of a survey number" means a sub-division of a survey number separately assessed and registered

Certified
copy

(7) "certified copy" or "certified extract" means a copy or extract, as the case may be, certified in the manner prescribed by section 76 of the Indian Evidence Act, 1872

Land
records.

(8) "land records" means records maintained under the provisions of, or for the purposes of, this Law.

Building site.

(9) "building site" means a portion of land held for building purposes whether any building has actually been erected thereupon or not and includes the open ground or courtyard enclosed by, or adjacent to, any building erected thereupon:

Boundary
mark.

(10) "boundary mark" means any erection, whether of earth, stone or other material, and also any hedge, vacant strip of ground or other object, whether natural or artificial, set up, employed

- Alienated** (22) "alienated" means transferred in so far as rights of the Crown to payment of the rent or land revenue are concerned wholly or partially, to the ownership of any person
- Village town or city** (23) 'village' 'town' or 'city' includes all lands belonging to such village town or city
- Chavadi** (24) 'chavadi' includes in any village in which there is no chavah such place as the Collector may direct shall be deemed to be the chavadi for the purposes of this Law
- Revenue year** (25) 'revenue year' means the year commencing on the first day of April
- Village accountant** (26) village accountant means the officiator shanbhog, and includes every person performing any of the duties of the shanbhog
- Resident** (27) 'Resident' means the Resident in Mysore

CHAPTER II

CONSTITUTION AND POWERS OF REVENUE OFFICERS

Powers of Collector 4 The Collector shall exercise all the powers and discharge all the duties conferred and imposed on him by this Law or any other law for the time being in force and in all matters not specially provided for by law shall act according to the instructions of the Resident.

Stipendiary patel and village accountant to be appointed where no hereditary patel or village accountant exists. 5 In villages where no hereditary patel or village accountant exists it shall be lawful for the Resident to appoint a stipendiary patel or village accountant who shall perform respectively all the duties of hereditary patels or village accountants as hereinafter prescribed in this Law or in any other law for the time being in force and shall hold their situations under the rules in force with regard to subordinate revenue officers

Resignation of holders of alienated villages. Nothing in this section shall be held to affect any subsisting rights of holders of alienated villages or others in respect of the appointment of patels and village accountants in such alienated or other villages

Village accountant to keep such records as he may be required to keep by law. 6 The Resident shall prescribe from time to time what registers accounts and other records shall be kept by the village accountant and pending the first issue of orders under this section, the village accountant shall continue to keep all such registers, accounts and other records as he may hitherto have been required to keep

It shall also be the duty of the village accountant to prepare when required upon by the patel of his village or by any superior revenue or police officer to do so all writings connected with the concerns of the village which are required either for the use of the Crown Representative or the Resident or the public, such as notices,

or specified by a survey officer or other revenue officer having authority in that behalf, in order to delineate the boundary of any division of land.

(11) "to hold land" means to be legally invested with a right to the possession and enjoyment or disposal of such land either immediately or at the termination of tenancy legally subsisting.

(12) "holder" or "landholder" signifies the person in whom a right to hold land is vested whether solely on his own account or wholly or partly in trust for another person or for a class of persons or for the public. It includes a mortgagee vested with a right to possession.

(13) "holding" signifies land over which such right extends.

(14) "tenant" signifies a person who holds by a right derived from a superior holder called his "landlord" or from his landlord's predecessor in title and is or but for a special contract, would be liable to pay rent for such land to his landlord.

(15) rent signifies whatsoever is paid or delivered in money, money or kind or whatever service is rendered, by a tenant on account of the use or occupation of land held by him.

(16) superior holder signifies a holder entitled to receive rent from other holders of land or land revenue on account of lands held by them whether or not such holder pays land revenue to the Resident on account of such lands.

(17) inferior holder signifies a holder liable to pay rent or land revenue to a superior holder.

(18) "joint holders" or "joint occupants" means holders or occupants who hold land as co-sharers whether as co-sharers in a family undivided according to Hindu Law or otherwise, and whose shares are not divided by metes and bounds and where land is held by joint holders or joint occupant "holder" or "occupant" as the case may be, means all the joint holders or joint occupants.

(19) "occupant" signifies a holder of unalienated land or when there are more holders than one, the holder having the highest right in respect of any such land, or where such highest right vests equally in more holders than one, any one of such holders.

(20) "registered occupant" signifies a sole occupant or the eldest or principal of several joint occupants whose name is authorizedly entered in the Government records as holding unalienated land whether in person or by his co-occupant, tenant, agent, servant, or other legal representative.

(21) "occupancy" signifies the sum of the rights vested in an occupant as such.

reports of inquests, and depositions and examinations in criminal matters

7 (1) Every holder of an alienated village shall be bound to ^{hold the} keep such registers, accounts and other records as may, from time to time, be prescribed by the Resident to be kept for alienated ^{in such} villages. He shall be responsible for the punctual and correct ^{preparation} preparation of such registers, accounts and other records, and shall deposit with the Collector true copies of such of them as the Resident may, either by a general or special order, from time to time direct

(2) Where there is a village accountant, it shall be his duty ^{village} to prepare and keep the registers, accounts and other records referred to in this section under the control of the holder of the ^{responsible} alienated village or his agent

(3) When the holder of the alienated village fails to keep any ^{prepared} registers, accounts or other records or to deposit copies of them with the Collector, in accordance with the provisions of this section, it shall be lawful for the Collector to cause such registers, accounts or other records or copies of them to be prepared by any other person and to levy the cost of such preparation from the holder of the alienated village, as if it were a revenue demand

8 For the purposes of Chapters VII, VIII and IX of this Law, ^{Survey} the Resident may appoint such officers as he may, from time to time consider necessary. Such officers shall be designated "Superintendent and Deputy Superintendent of Survey and Settlement", "Survey Settlement Officer", and "Assistant Superintendent", or otherwise as may seem requisite, and shall be subordinated one to the other, in such order as the Resident may direct.

Subject to the orders of the Resident, the officers so appointed ^{Survey} are vested with the cognizance of all matters connected with survey and settlement, and shall exercise all such powers and perform all such duties as may be prescribed by this or any other law for the time being in force

9 It shall be lawful for the Resident to appoint one and the ^{Combination} same person, being otherwise competent according to law, to any two or more of the offices provided for in this Chapter, or to confer upon an officer of one denomination all or any of the powers or duties of any other officer or officers within certain local limits or otherwise as may seem expedient

10 The appointment of all officers mentioned in sections 8 ^{Certain} and 9 shall be duly notified in the Mysore Residency Orders. ^{appointments}

Any officer appointed to act temporarily for any such officer ^{Acting} shall exercise the same powers and perform the same duties as ^{appointments} might be performed or exercised by the officer for whom he is so appointed to act

11 The Resident shall, from time to time, by notification prescribe what revenue officers shall use a seal and what size and description of seal shall be used by each of such officers. Pending the issue of the first orders under this section the seals hitherto used shall continue to be used by such officers as have used them.

CHAPTER III

OF THE SECURITY TO BE FURNISHED BY CERTAIN REVENUE OFFICERS AND THE LIABILITY OF PRINCIPALS AND SURETIES

12 It shall be lawful for the Resident to direct that such revenue officers as he deems fit shall previously to entering upon their office, furnish security to such amount as the Resident may in each case deem expedient either by deposit of Government paper duly endorsed accompanied by a power to sell or by deposit of cash in a Government Treasury or Government Savings Bank to the credit of the Crown Representative or by the conveyance to the Crown of approved immovable property whose estimated value may bear to the amount of security required any proportion prescribed by the Resident or by a bond in the form contained in Schedule A to this Law.

The amount for which such security shall be furnished may be varied from time to time, by order of the Resident which shall also determine the number of sureties to be required when security is taken in the form of Schedule A.

13 The Collector or the Superintendent of Survey may at any time after security has been given by a revenue officer subordinate to him if it appear to him that the security taken is unsatisfactory or if the officer is transferred to an office for which larger security is required or for other sufficient reason demand fresh or additional security and in case of the officer failing to give such security within such time not less than one month as the Collector or Superintendent of Survey may fix after its being required of him may suspend or dismiss him.

Provided always that no greater security shall be demanded than is required by the orders of the Resident under the last preceding section.

14 The Collector or the Superintendent of Survey, or any officer deputed by the Collector or Superintendent of Survey for this purpose shall in all cases in which he may have a claim on any revenue officer or any person formerly employed as such in his district or department of public money or papers or other property of the Crown by writing under his official seal if he so require and signature require the money or the particular papers or property detailed to be delivered or run directly to the person bearing the said writing or to such person on such date and at such place as the writing or may specify.

Resident
to direct what
officers shall
furnish security
and for
what amount

Fresh or additional
security

Provided

Demands for
money or
papers &c.
to be made
known to
writing to
person
concerned

An officer of
surety in jail
may by sur-
rendering cer-
tain security,
obtain his re-
lease

17 If an officer or other person as aforesaid, or his surety or sureties, against whom a demand is made, shall give sufficient security in the form of Schedule C, the Collector or Superintendent of Survey, as the case may be, shall cause such officer or surety if in custody to be liberated, and countermand the sale of any property that may have been attached and restore it to the owner or other person from whose possession such property may have been seized

Liability of
surety not
affected by
death of prin-
cipal or by his
taking differ-
ent appoint-
ment.

18 The liability of the surety or the sureties shall not be affected by the death of a principal or by his appointment to a situation different from that which he held when the bond was executed, but shall continue so long as the principal occupies any situation in which security is required under section 12 and until his bond is cancelled

Liability of
heirs of
deceased
officer

The heirs of a deceased officer shall be bound to deliver to the Crown all public money or papers or other property of the Crown which may have come into their possession or control and they may be proceeded against in the same manner as the deceased officer if alive could have been proceeded against Provided that when money is claimed the heirs shall be liable only to the extent of assets inherited by them from the deceased

How surety
may withdraw
from further
liability

19 Any surety, whether under a separate or joint bond, may withdraw from his suretyship at any time on his stating in writing to the officer to whom the bond has been given that he desires so to withdraw, and his responsibility under the bond shall cease after sixty days from the date on which he gives such writing, as to all demands upon his principal concerning moneys papers or other property for which his principal may become chargeable after the expiration of such period of sixty days, but shall not cease as to any demands for which his principal may have become liable before the expiration of such period even though the facts establishing such liability may not be discovered till afterwards.

CHAPTER IV.

OF LAND AND LAND REVENUE

Land

Public roads,
rivers and
lands which
are not the
property of
others, be-
long to the
Crown.

20 All public roads, lines and paths, the bridges, ditches, dikes and fences, on or beside the same, the bed of rivers, streams, nallas, lakes and tanks and all canals, and water courses and all standing and flowing water, and all lands wherever situated, which are not the property of any person or persons, shall be

vested

in any

name

as may be otherwise provided in any Law for the time being in force and are hereby declared to be, with all rights in or over the same or appertaining thereto, the property of the Crown, and it shall be lawful for the Collector subject to the

If the officer or other person as aforesaid shall not discharge the money, or deliver up the papers or property as directed to assign sufficient cause for his non-compliance with the order made as aforesaid the Collector or the Superintendent of Survey may cause him to be apprehended and may send him with a warrant in the form of Schedule 'B', to be confined in the civil jail till he discharge the sum or deliver up the papers or property demanded from him.

Provided that no person shall be detained in confinement by virtue of such warrant for a longer period than one calendar month.

15 The Collector of his own motion if the officer or other person is or was serving in his department, and upon the application of the Superintendent of Survey if such officer or person is or was serving in the Survey Department in his district, may of course take proceedings to recover any public moneys due by him in the same manner and subject to the same rules as are laid down in this Law for the recovery of the same or his civil revenue from defaulters; and for the purpose of recovering public papers or other property of the Crown may issue a search warrant and exercise all such powers with respect to the same as may be lawfully exercised by a Magistrate under the provisions of Chapter VII of the Criminal Procedure Code 1894.

It shall be the duty of all persons in possession of such public moneys, papers or other property of the Crown to make over the same forthwith to the Collector and every person knowing where any such property is concealed shall be bound to give information of the same to the Collector.

16 The surety or sureties of such officer or other person as aforesaid, who may enter into a bond in the form of Schedule 'A', shall be liable to be proceeded against jointly and severally in the same manner as his or their principal is liable to be proceeded against in case of default, and notwithstanding such principal may be so proceeded against.

Provided always that in any case of failure to discharge or to make good any sum of money due to the Crown or to produce any property of the Crown of ascertained value, no greater sum than is sufficient to cover any loss or damage which the Crown is actually sustain by the default of the Principal shall be recovered from the surety or sureties as the amount which may be due from such surety or sureties under the terms of the security bond executed by him or them.

And provided also that the said surety or sureties shall in no case be liable to imprisonment in default of producing public papers or property, if he or they pay into the Resident's Treasury the whole or such part of the penalty named in the bond as may be demanded.

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very
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not been
reduced

25 (1) In villages or portions of villages to which a survey settlement has not been introduced under Bombay Act I of 1865 or under Chapter VII of this Law, the right to all trees except such as are reserved to the Crown under any law relating to forests for the time being in force shall be deemed to vest in the occupant, if any, of the land upon which they may be standing except when such trees are the property of the Crown or of individuals in which case it shall be competent for the Resident to transfer the right in question to the occupant under such rules as the Resident may, from time to time, frame in that behalf

right to
trees in
unalienated
land.

(2) In villages or portions of villages of which the original survey settlement has been completed before the passing of this Law, the right of the Crown to all trees in unalienated land, except trees reserved to the Crown or by any Survey Officer, whether by express order made at or about the time of such settlement or under any rule or general order in force at the time of such settlement or by notification made and published at or any time after such settlement shall be deemed to have been conceded to the occupant

(3) In the case of villages or portions of villages of which the original survey settlement shall be completed after the passing of this Law the right of the Crown to all trees in unalienated land shall be deemed to be conceded to the occupant of such land except in so far as any such rights may be reserved to the Crown or by any Survey Officer on behalf of the Crown either expressly at or about the time of such settlement or generally by notification made and published at any time previous to the completion of the survey settlement of such village or portion of a village

(4) When permission to occupy land has been or shall hereafter be granted after the completion of the survey settlement of the village or portion of a village in which such land is situate, the said permission shall be deemed to include the concession of the right of the Crown to all trees growing on that land which may not have been or which shall not hereafter be expressly reserved at the time of granting such permission or which may not have been reserved under any of the foregoing provisions of this section, at or about the time of the original survey settlement of the said village or portion of a village

Right to trees
and forests to
vest in the
Crown.

26 The right to all trees specially reserved under the provisions of the last preceding section and to all trees brushwood, jungle or other natural product wherever growing except in so far as the same may be the property of individuals or of aggregates of individuals capable of holding property, vests in the Crown, and such trees brushwood, jungle or other natural product shall be preserved or disposed of in such manner as the Resident may, from time to time, direct

orders of the Resident to dispose of them in such manner, as may be authorised by general rules or to be laid by the Resident, subject always to the rights of way, and all other rights of the public or individuals lawfully subsisting.

21 When it is proved on a formal inquiry before the Collector that any public road, street or thoroughfare, or any place of public resort or use, or the bed of any river, stream, lake or canal, or the property of the Crown has been encroached upon by any person, the Collector may take possession of the part encroached upon, unless such part is shown to have been held for a period of not less than twelve years. It shall be lawful for the Collector to clear such land by the removal of any buildings or other obstructions, in the event of the person in occupation thereof, or other person interested after written notice of not less than one month shall have been served upon him failing to do so himself.

22 The right of the Crown to mines and mineral products in any lands whatsoever is and is hereby declared to be expressly reserved.

Right to metals and minerals which are not in the Crown.

Provided that—

(1) nothing in this section shall be deemed to affect any subsisting right of any occupant of such land in respect of such mines or mineral products; and

(2) nothing in this section shall be deemed to apply to limestone, granite and such other ordinary minerals as the Resident by notification in the Mysore Residency Orders, may from time to time exempt from the scope of this section.

23 Subject to the general orders of the Resident, it shall be lawful for Survey Officers whilst survey operations are proceeding under Chapter VII of this Law and at any other time for the Resident to set apart lands, the property of the Crown and not in the lawful occupation of any person or aggregate of persons in unalienated villages or unalienated portions of villages, for free pasturage for the village cattle, for forest reserves, or for other purposes, and in the disposal of land under section 20 due regard shall be had to all such special assignments.

24 The right of grazing on free pasturage lands shall extend only to the cattle of the village or villages to which such lands belong or have been assigned, either by custom or by an express order of the Survey Officer or the Collector and shall be regulated by rules to be from time to time, either generally or in particular instances, prescribed by the Collector, and shall be regulated by rules, if any, as may be prescribed by the Collector's decision as to the same.

Regulation of use of pasturage.

Land Revenue.

27 All land, whether applied to agricultural or other purposes, and wherever situate is liable to the payment of land revenue to the Crown according to the rules hereinafter enacted except such as may be wholly exempted under the provisions of any special contract with the Crown or any law for the time being in force which is not exempted from the payment of land revenue

28 The land revenue liable under the provisions of this Law shall be chargeable— Land revenue is a charge on the land

(a) upon land appropriated for purposes of agriculture;

(b) upon land from which any other profit or advantage than that ordinarily acquired by agriculture is derived,

(c) upon land appropriated for building sites

And the assessment fixed under the provisions of this Law upon any land appropriated for any one of the above purposes shall be liable to be altered and fixed at a different rate when such land is appropriated for any other purpose notwithstanding that the term, if any, for which such assessment was fixed may not have expired Assessment is subject to variation if purpose for which land is appropriated is changed

When any land which is situated in an unalienated village or which, being situated in an alienated village, is excluded from the assets thereof, has been allowed by the Resident to be held free of assessment or on a reduced assessment on condition of its being appropriated to one purpose, it shall become liable to be charged with full assessment, if at any time it ceases to be appropriated for such purpose Land held rent free for the purpose of assessment is liable to assessment if used for another purpose

It shall also be lawful for the Collector or for a survey officer, subject to rules or orders made in this behalf under section 223, to prohibit the appropriation of any unalienated land liable to the payment of land revenue for certain purposes, and to summarily evict any holder who may appropriate, or attempt to appropriate, the same to such prohibited purposes Appropriation of land to certain purposes may be prohibited

29 (1) When it has been customary to levy any extra cess, fine or tax, however designated, from any holder of land, which, though nominally wholly or partially exempt from the payment of land revenue, has, by the exaction of such cess, fine or tax, been indirectly taxed to the Station, Special or Commuted assessment of land indirectly taxed to the station

or, when any land ordinarily, or under certain circumstances, wholly or partially exempt from assessment is subject occasionally, or under particular circumstances to the payment of assessment, or of any cess, or tax however designated, Land liable to occasional assessment

the said assessment, cess, fine, or tax may be commuted into an annual assessment on the land to be paid under all circumstances; but such commuted assessment shall not exceed such amount as the Resident shall deem to be a fair equivalent of the

assessment, cess, fine or tax for which it is substituted and shall not be in excess of the assessment to which the land would be ordinarily subject if no right to exemption existed in respect thereof

(2) Whenever any such cess, fine or tax hitherto payable by an inferior holder shall be made payable from the superior holder, it shall be lawful for such superior holder to recover from such inferior holder the amount of the commuted assessment fixed in lieu of such cess, fine or tax.

(3) When it has been customary to levy a larger revenue upon any portion of land than such portion would ordinarily be liable to, in consideration of other land being held with it which is wholly or partially exempt from payment of revenue the excess of revenue payable on the said portion of land may be charged upon the land hitherto held wholly or partially exempt.

30 On all lands not wholly exempt from payment of land revenue and not within the local operation of an order made under section 81 the assessment of the amount to be paid as land revenue shall be fixed at the discretion of the Collector subject to rules or orders made in this behalf under section 223 and the amounts due according to such assessment shall be levied on all such lands.

Provided that in the case of lands partially exempt from land revenue or the liability of which to payment of land revenue is subject to special conditions or restrictions respect shall be had in the fixing of the assessment and the levy of the revenue to all rights legally subsisting according to the nature of the said rights

31 A register shall be kept by the Collector in such form as may from time to time be prescribed by the Resident of all lands the alienation of which has been established or recognised under the provisions of the said Act, and when it shall appear to the Collector that a sanad for such alienated lands has been permanently lost or destroyed, he may, subject to the rules and the payment of the fees prescribed by the Resident under section 22, grant to any person whom he may deem entitled to the same a certified extract from the said register, which shall be endorsed by the Collector to the effect that it has been issued in lieu of the sanad said to have been lost or destroyed and shall be deemed to be as valid a proof of title as the said sanad.

32 The settlement of the assessment of each portion of land, or survey number, to the land revenue, shall be made with the person who, under section 131, is primarily responsible to the Resident for the same.

If the said person be absent and have left no known authorized agent in the Station, so that the settlement of the assessment cannot be concluded with him such settlement may be made with the person holding under him, or in occupation of the land.

33 The Resident may authorize the Collector or the Commissioner in charge of a survey, or any other person, to take a lease of any land, from time to time deemed fit to be reserved for the benefit of the public and other persons of water, the right to which vests in the Crown, or which has been made available to the public for the construction, improvement or repair of any public work or other work by Government or by a private person, or for any other purpose, the written authority of the Resident. Such lease shall be subject to revision at such periods as the Resident shall from time to time determine, and shall be renewable as land revenue.

31 Arrears of land revenue due on account of land is any land holder shall be a paramount claim on the holding of every part of the holding in payment of which shall be the occupancy or alienated holding together with all rights of the occupant or holder over all trees, crops, buildings and things attached to the land or permanently fastened to anything attached to the land liable to forfeiture whenever the collector may have all sums in arrears be sold of the occupancy or alienated holding or may otherwise dispose of such occupancy or alienated holding, under rules or orders made in this behalf under section 221 and such occupancy or alienated holding when disposed of whether by sale as aforesaid or by transfer to another person or otherwise howsoever except by restoration to the defaulter shall unless the collector otherwise directs be deemed to be freed from all tenurial rights and claims and equities thereon created by the occupant or holder or any of his predecessors in title or in any way subsisting as against such occupant or holder but so as not to affect the rights of ladim tenants or permanent tenants in alienated holdings,

35 It shall be lawful for the Collector, in the event of the forfeiture of a holding through any default in payment or other failure occasioning such forfeiture under the last preceding section or any law for the time being in force to take immediate possession of the land embraced within such holding, and to dispose of the same by placing it in the possession of the purchaser or other person entitled to hold it according to the provisions of this Law or any other law for the time being in force.

35 Every revenue officer receiving payment of land revenue ^{Receipts to be} shall give a written receipt for the same _{cranked by}

And every superior holder of an alienated village or of an alienated share of a village, or a duly authorized agent of such superior holder, shall give a written receipt for every payment of rent or land revenue made to him by an inferior holder.

37 Any person convicted of a breach of the provisions of the last preceding section, after summary enquiry before the Collector, shall be liable to a fine not exceeding three times the amount received for which receipt was not duly granted.

CHAPTER V.

OF THE OCCUPATION OF UNALIENATED LAND AND THE RIGHTS OF OCCUPANTS

Occupation

Written permission of collector required previous to taking up unoccupied land. Penalties for unauthorized occupation of and.

38 Any person desirous of taking up unoccupied land which has not been alienated must, previously to entering upon occupation, obtain the permission in writing of the Collector, or as may be provided under rules made in this behalf under section 223.

39 Any person who shall unauthorizedly occupy any land set apart for any special purpose, or any unoccupied land which has not been alienated shall,

if the land which he unauthorizedly occupies forms part of an assessed survey number pay the assessment of the entire number for the whole period of his occupation and

if the land so occupied by him has not been assessed such amount of assessment as would be leviable for the said period in the same village on the same extent of similar land appropriated to the same purpose

and shall also be liable at the discretion of the Collector to a fine not exceeding five rupees or a sum equal to ten times the amount of assessment payable by him for one year if such sum be in excess of five rupees if he have taken up the land for purposes of cultivation and not exceeding such limits as may be fixed in rules or orders made in this behalf under section 223 if he have appropriated it to any non agricultural purpose

The Collector's decision as to the amount of assessment payable for the land unauthorizedly occupied shall be final, and in determining the amount of assessment payable for the land unauthorizedly occupied occupation for an incomplete portion of a year shall be counted as for a whole year

The person unauthorizedly occupying any such land may be summarily evicted by the Collector, and any crops he may have raised on the land shall be liable to forfeiture and any building or other construction he may have erected thereon shall also, if not removed by him after such written notice as the Collector may deem reasonable be liable to forfeiture

Forfeitures under this section shall be adjudged by the Collector and any property so forfeited shall be disposed of as the Collector may direct

On the application of the holder of an alienated village or on complaint by any aggrieved person the Collector may exercise in respect of any lands situated in the alienated village the powers vested in him under this section.

33 The Resident may authorize the Collector or the ^{Revenue Officer} or any other officer to fix such rates as he may, from time to time, deem fit to ascertain for the use of the holders and other persons, of any right to which he is entitled to the Crown, or which has been made available in consequence of the construction, improvement or repair of any irrigation or other work by Government or by a private person acting under the written authority of the Resident. Such rates shall be liable to revision at such periods as the Resident shall from time to time determine, and shall be recoverable as land revenue.

34 Amounts of land revenue due on account of land in any ^{land revenue} land holder shall be a paramount charge on the holding and every ^{a portion of} part thereof ^{shall be} subject in payment of which shall rank the occupancies or alienated holding together with all rights of the occupant or holder over all trees, crops, buildings and things attached to the land or permanently fastened to anything attached to the land liable to forfeiture whereupon the Collector may levy all sums in arrear by sale of the occupancies or alienated holding, or may otherwise dispose of such occupancies or alienated holding, under rules or orders made in this behalf under section 223, and such occupancies or alienated holding when disposed of whether by sale as aforesaid or by transfer to another person or otherwise howsoever except by restoration to the defaulter shall unless the Collector otherwise directs be deemed to be freed from all tenures, rights and encumbrances and equities thereto before created by the occupant or holder or any of his predecessors in title or in any wise subsisting as against such occupant or holder but so as not to affect the rights of land tenants or permanent tenants in alienated holdings.

35 It shall be lawful for the Collector, in the event of the forfeiture of a holding through any default in payment or other ^{forfeiture} failure occasioning such forfeiture under the last preceding section ^{held as may} or any law for the time being in force, to take immediate possession of the land embraced within such holding, and to dispose of the same by placing it in the possession of the purchaser or other person entitled to hold it according to the provisions of this Law or any other law for the time being in force.

36 Every revenue officer receiving payment of land revenue shall give a written receipt for the same.

And every superior holder of an alienated village or of an alienated share of a village, or a duly authorized agent of such superior holder, shall give a written receipt for every payment of rent or land revenue made to him by an inferior holder.

37 And every

the provisions of the ^{Penalty for} before the Collector, ^{failure to} ^{grant} ^{receipts} ^{not exceeding three} times the amount ^{received for which receipt was not duly granted.}

40 It shall be competent to the Collector, subject to such orders as may from time to time be made by the Resident, to require the payment of a certain price for the occupancy, or to allow that right by auction and to annex such conditions to the occupancy as may seem fit before permission to occupy is granted under section 18.

The price of an occupancy shall unless otherwise directed by the terms of the sale include the price of the right of the Crown to all trees not reserved under the provisions of section 11, and shall be recoverable as an affair of land revenue.

Occupants Rights

41 (1) An occupant of land appropriated for purposes of agriculture is entitled by himself his servants tenants agents or other legal representatives to erect firm buildings and dwelling houses for agriculturists and their labourers construct wells or tanks or make any other improvements thereon for the better cultivation of the land or its more convenient occupation for the purposes aforesaid.

(2) But if any occupant wishes to appropriate his holding or any part thereof to any other purpose the Collector's permission shall in the first place be applied for by the registered occupant. The Collector on receipt of such application shall at once furnish the applicant with a written acknowledgment of its receipt and after inquiry either grant or refuse the same but if the applicant receives no answer within three months from the date of the said acknowledgment the Collector's permission may be deemed to have been granted. Unless the Collector shall in particular instances otherwise direct no such application shall be recognized except it be made by the registered occupant.

(3) When any such land is thus appropriated to any purpose unconnected with agriculture it shall be lawful for the Collector, subject to general orders of the Resident to require the payment of a fine in addition to any new assessment which may be leviable under the provisions of section 28.

42 If any such land be so appropriated without the permission of the Collector being first obtained or before the expiry of three months from the date of the said acknowledgment the occupant and any tenant or other person holding under or through him land so appropriated, or from the entire field or survey number of which it may form a part and the registered occupant shall be liable to pay in addition to the new assessment which may be leviable under the provisions of section 28 for the period during which the said land has been so appropriated such fine as the Collector may, subject to the general orders of the Resident, direct.

Any co-occupant or any tenant of any occupant, or any other person holding under or through an occupant who shall, without any registered occupant's consent, appropriate any such land to any such purpose and thereby render the said registered occupant liable to the penalties aforesaid, shall be responsible to the said registered occupant in damages

Provided that the Collector may, instead of fining the registered occupant as aforesaid, fine any co-occupant or any tenant of any occupant, or any other person holding under or through an occupant, who may have, without the registered occupant's consent, appropriated any such land to any such purpose as aforesaid

42-A The Collector may also exercise the powers under section 41 and section 42 in respect of land in an alienated village on the application of the holder thereof and in the case of villages to which section 77 (c) of the said Code does not apply, also on the application of the tenant of the land

43 Nothing in the last two preceding sections shall prevent the granting of the permission aforesaid in special cases on such terms as may be agreed on between the Resident and the registered occupant

44 An occupant is entitled to the use and occupation of his land for the period if any to which his occupancy is limited or, if the period is unlimited in perpetuity conditionally on the payment of the amounts due on account of the land revenue for the same according to the provisions of this Law or of any rules made under this Law or of any other law for the time being in force, and on the fulfilment of any other terms lawfully annexed to his occupancy

14-A (1) It shall be lawful for the Collector at any time to grant permission to any person to occupy unalienated unoccupied land for such purposes, for such period and on such conditions as he may, subject to rules made by the Resident in this behalf, prescribe, and in any such case the occupancy shall, whether a Survey Settlement has been extended to the land or not, be held only for the period and subject to the conditions so prescribed

(2) Whenever any person occupying or in possession of any land granted under this section fails to comply with any of the conditions so prescribed such person may be evicted by the Collector, after a summary inquiry

44-B In any case where an occupancy is not transferable without the previous sanction of the Collector, and such sanction has not been granted to a transfer which has been made or which is ordered by a Civil Court or on which the Court's decree or order is founded,

An absolute relinquishment shall unless otherwise directed by any special or general rules framed by the Resident, be deemed to have effect from the close of the current revenue year, and notice thereof must be given before the 31st March in such year, or before such other date as may be from time to time prescribed in this behalf by the Resident. A relinquishment in favour of a specified person may be made at any time.

When there are more occupants than one the notice of relinquishment must be given by the registered occupant, and the person if any in whose favour an occupancy is relinquished or, if such occupancy is relinquished in favour of more persons than one the principal of such persons must enter into a written agreement to become the registered occupant and his name shall thereupon be substituted in the records for that of the previous registered occupant.

Relinquish-
ment of lands
paying a
lump assess-
ment

50 When a lump assessment is fixed upon several fields or survey numbers in the aggregate it shall not be lawful for the occupant to relinquish as afore said any one or more of such fields or survey numbers except with the previous consent of the Collector. It shall be competent to the Collector to grant or refuse his consent if he grants it the occupancy shall be divided and the Collector shall determine the proportional amount of land revenue to be paid by each portion of it and the original occupant and the person if any in whose favour he relinquishes a portion of his occupancy shall be held liable for the revenue severally assessed on their portions.

Relinquish-
ment of
alienated
land
Proviso

51. The provisions of the last two sections shall apply as far as may be to the holder of alienated land.

Provided—

Relinquish-
ment of land
described in
section 49

(a) that it shall not be lawful to relinquish as aforesaid any portion of any land held wholly or partially exempt under the circumstances described in the first paragraph of section 29 until the commuted assessment payable in respect of such portion of land has been determined under the provisions of the said section, and

(b) that if any person relinquishes land on which, under the circumstances described in section 29 a larger revenue is levied than would ordinarily be leviable on such land he shall be deemed to have relinquished also the land held with it which is wholly or partially exempt from payment of revenue.

Right of way
to relinquished
land.

52 If any person relinquishes land the way to which lies through other land which he retains the right of way through the land so retained shall continue to the future holder of the land relinquished.

(a) such occupancy shall not be held to the process of any Court, and such transfer shall be null and void, and

(b) the Court, on receipt of a certificate under the hand and seal of the Collector to the effect that any such occupancy is not transferable without his previous sanction and that such sanction has not been granted shall remove any attachment or other process placed on or set aside any sale of or affecting such occupancy

45 If by a decree or order of a competent Court it shall be adjudged that the occupant of any land is an inferior holder under another person or that the occupancy is vested in another person or if in the execution of such a decree or order the interest of the occupant in the land have been transferred by sale or otherwise to another person such other person shall on producing a certified copy of the decree or order or the Court's certificate of the sale, or other transfer be deemed to be the occupant and be dealt with accordingly and on written application being made to the Collector for the purpose such change shall be made in the entry of the registered occupant's name as the circumstances require

46 On the death of a registered occupant the Collector shall cause the name of his eldest son or other person appearing to be his heir or the principal of his heirs to be registered in his stead and the said heir shall thereafter be deemed the registered occupant and subject to the provisions of the last preceding section shall be dealt with accordingly

47 If at any time any person shall by production of a certificate of heirship or of a decree or order of a competent Court satisfy the Collector that he is entitled to be the registered occupant in preference to the person whose name the Collector has ordered to be registered under section 46, the Collector shall cause the entry in the Government records to be amended accordingly

48 The right of occupancy shall be deemed an heritable and transferable property subject to the provisions contained in section 34 or otherwise prescribed by law, and shall immediately pass to the person whose agreement to become an occupant shall have been accepted by the Collector

Relinquishment of occupancy

49 An occupant may, by giving written notice to the Collector, relinquish his occupancy, either absolutely or in favour of a specified person provided that such relinquishment apply to the entire occupancy or to whole survey numbers, or recognized shares of survey numbers

An occupancy absolutely relinquished shall be at the disposal of the Crown and shall be disposed of by the Collector in accordance with such rules as may, from time to time, be framed by the Resident in that behalf.

ing the occupancy or alienated holding, to forfeit only the interest in the same of the said registered occupant or holder of alienated holding as the case may be, and to substitute the name of any such co-occupant, co holder, co sharer, or other person as registered occupant or holder thereof in the revenue records, on his payment of all sums due on account of land revenue for the occupancy or alienated holding, and such person so becoming the registered occupant or holder shall have the rights and remedies with respect to all other persons in occupation or enjoyment provided for by section 75

CHAPTER VI

OF SUPERIOR AND INFERIOR HOLDERS

Tenancy

Amount of
rent payable
by tenant.

57 A person placed as tenant, in possession of land by another, or, in that capacity, holding, taking or retaining possession of land permissively from, or by sufferance of, another, shall be regarded as holding the same at the rent or for the services, agreed upon between them, or, in the absence of satisfactory evidence, at the rent or for the services, usual and reasonable for the land or for the services, or usage, applicable to all the circumstances of the case, shall be just and reasonable.

Duration of
tenancy

And where, by reason of the antiquity of a tenancy, no satisfactory evidence of its commencement is forthcoming, and there is not any such evidence of the period of its intended duration, if any, agreed upon between the landlord and tenant or those under whom they respectively claim title or any usage of the locality as to duration of such tenancy, it shall as against the immediate landlord of the tenant be presumed to be co-extensive with the duration of the tenure of such landlord and of those who derive title under him.

Explanation—In the following cases such a presumption shall be raised —

(1) Where the tenant has been recognized as a permanent tenant by the landlord or by a Court in a suit to which the landlord was a party;

(2) Where a tenant holds land in respect of which any alienation has been recognized by the landlord or by a Court in a suit to which the landlord was a party or where the alienation has not been contested by the landlord for twelve years from the date of the service of notice of alienation to the landlord;

(3) Where for the better cultivation of the holding the tenant has made permanent improvements thereon to the knowledge of the landlord and has been in undisturbed possession of the holding for twelve years.

53 Nothing in sections 50 and 51 shall affect—

(a) the responsibility of any share in a village for the land revenue of which the shares are all according to law or the custom of the village jointly responsible, or

(b) the validity of the terms or conditions of any law or other express instruments under which land is, or may hereafter be held from the Crown

54 The registered occupant or the holder of alienated land shall continue liable for the land revenue due on the occupancy or alienated holding and for all other lawful demands of the Crown in respect of the same until such time as the occupancy or alienated holding is relinquished or transferred under any of the provisions of this Law to the name of any other person, and the Collector shall not be bound in any case to recognize any person to whom any interest in any portion of an occupancy or alienated holding has been assigned unless the transfer has been recorded in the revenue records in accordance with the foregoing provisions

Remedies against Forfeiture of Occupancies and Alienated Holdings

55 In order to prevent the forfeiture of an occupancy or alienated holding under the provisions of section 34 or of any other law for the time being in force through non-payment by the registered occupant or by the holder of the alienated holding of the land revenue due on account of the occupancy or alienated holding it shall be lawful for any co-occupant co-holder co-sharer tenant mortgagee or other person interested in the continuance of the occupancy or alienated holding to pay the land revenue due on account of the occupancy or alienated holding on behalf of the registered occupant or holder of the alienated holding

And in any such case the Collector may give to the person who has paid the land revenue as aforesaid such aid for the recovery of the proportional amounts which he may consider to be properly payable by other persons in occupation or enjoyment of parts of a field or survey number or alienated holding as he might legally have given had the persons so paying been the registered occupants or holders of alienated holdings

of the

same

of co-occupant

56 If it shall appear to the Collector that a registered occupant or holder of an alienated holding has failed to pay land revenue, and has thus incurred forfeiture with a view to defraud his co-occupant or holder or that a sale of the land is unfairly to the detriment of the co-sharers or other persons, it shall be lawful for him, instead of selling the land, to take such steps as may be necessary for the realization of the land revenue due on account of the occupancy or alienated holding

such co-occupants, co-holders, co-sharers or other persons, it shall be lawful for him, instead of selling the land, to take such steps as may be necessary for the realization of the land revenue due on account of the occupancy or alienated holding

continuously for twelve years thereafter provided that the landlord has not contributed for such improvements the recovered enhanced rent for the term not given any notice in writing to the tenant at that such improvements would not create any new rights.

(4) Where in the absence of a contract regarding the nature and duration of the tenancy the tenant has established that he has been in continuous possession on payment of fixed rent for a period of twelve years or more.

And where there is no satisfactory evidence of the capacity in which a person in possession of land in respect of which he renders service or pays rent to the landlord receives, holds or retains possession of the same, it shall be presumed that he is in possession as tenant Presumed as tenant

Nothing contained in this section shall affect the right of the landlord (if he have the same either by virtue of agreement, usage, or otherwise) to enhance the rent payable or services renderable, by the tenant or to evict the tenant for non payment of the rent, or non rendition of the services either respectively originally fixed or duly enhanced as aforesaid Saving clause

58 An annual tenancy shall in the absence of proof to the contrary be presumed to run from the first of one cultivation season to the end of the next. The cultivation season may be presumed to end on the 31st March Annual tenancy term terminates on 31st

An annual tenancy shall in the absence of any special agreement to the contrary require for its termination a notice given in writing by the landlord to the tenant or by the tenant to the landlord at least three months before the end of the term of tenancy at the end of which it is intimated that the tenancy is to cease. Such notice may be in the form of Schedule 'D' or to the like effect Three months' notice to be given by Landlord or tenant for termination of tenancy

59 Every tenant is entitled to receive from his landlord a written lease containing the following particulars — Landlord to furnish tenant with written lease

(a) the quantity and description of land held by him and, where the fields have been numbered in the records of a Government survey or other public record, the number of each field,

(b) the amount of annual rent, if any, payable for such land,

(c) the instalments in which and the dates on which such rent is to be paid,

(d) any special conditions of the lease, and

(e) if the rent is payable in kind, the quantity or the share of produce to be delivered, and the time manner and place of delivery

60 Every landlord who grants a lease is entitled to receive a written reciprocal engagement from the tenant, executed by the tenant and in conformity with the terms of the lease. The tender Landlord is entitled to written engagement from tenant

to any tenant of a lease such as he is entitled to receive shall entitle the landlord to receive a reciprocal engagement from such tenant.

61 (1) Notwithstanding anything contained in section 57 where, before the passing of this Law, any lease has been granted or any agreement entered into fixing in perpetuity the rent of unalienated land, such lease or agreement shall, when the Government revenue payable in respect of such land is enhanced, be voidable at the option of the landlord unless the tenant agrees to pay such rent as the Collector or other person duly empowered in this behalf may, on the application of the landlord, determine to be fair and reasonable

(2) When the Government revenue payable in respect of such land is reduced, such rent as the Collector or other person duly empowered in this behalf may on the application of the tenant, determine to be fair and reasonable, shall be accepted by the landlord

(3) The determination of the amount of rent under this section shall be such that the net profits accruing to the landlord therefrom are the same as before the enhancement or reduction of the Government revenue

Rights of tenants in Alienated Land

62 A tenant holding alienated land whether situated in an alienated village or not and paying to the superior holder of such land, by way of land revenue a rent in money or in kind assessed at rates of land revenue assessment obtaining at the time when such land was alienated by the Resident or at rates subsequently fixed in accordance with the established rates of land revenue assessment for the village or at rates fixed by competent revenue authority or by a survey settlement shall have a right to continue to hold such land at the rent hitherto paid for it or when such rent is altered in accordance with this Law at the rent so altered.

Such a tenant shall be called a 'kalam tenant'

The payment of rent by the person or persons from whom a kalam tenant derives his title shall be the payment of rent by such tenant within the meaning of this section

A kalam tenant shall have all rights which are conferred by this Law upon an occupant of unalienated land

63 In the case of alienated lands which are either immemorial waste lands or lands left unoccupied through voluntary relinquishment or otherwise it shall be lawful for the superior holder, by means of a written agreement, to arrange on his own terms of rent with the applicants for such lands. Provided that nothing in this section shall affect any special law or rule by law or usage having the force of law, as to the title of any individual or class of individuals in such waste or unoccupied lands

Notes or
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"Kalam ten-
ant" defined.

Kalam tenants
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to the rent
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an occupant of
unalienated
land.

Superior hold-
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66 Any person entitled to have rent enhanced or abated upon any of the grounds specified in sections 61, 64 and 65 may bring a suit before the Collector, and the Collector shall decide the suit after holding a formal enquiry

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enhancement
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67 Notwithstanding anything contained in sections 62 to 65 (both inclusive) an enhancement or abatement of rent payable by a *kadim* tenant may be effected by agreement in writing between tenant and landlord duly registered in accordance with the provisions of any law for the time being in force relating to the registration of assurances and Civil Courts may take cognizance of suits based upon such agreement

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on for
enhancement
abatement
rent from
at date to
imminence.

68 Every decision for enhancement or abatement of rent passed by the Collector under section 66 shall, except when such decision otherwise expressly directs take effect from the commencement of the revenue year next following the date of the filing of the suit

terms of
of a ten-
ants leases.

69 *Kadim* tenants are entitled to receive leases at the rate hitherto paid by them or determined in accordance with the provisions of section 66

terms of
leases for
All tenants.

All other tenants are entitled to leases on such terms as may be agreed upon between them and their landlords

On refusal of
superior holder
tenant to
apply to
Collector for
lease

70 When any superior holder of alienated land shall for three months after demand have refused to grant such lease as his tenant was entitled to receive it shall be lawful for the latter to proceed by filing a suit before the Collector who shall after a formal enquiry decide the terms of the lease to which the tenant is entitled and direct the superior holder to grant him such lease and shall further award to the tenant such costs and damages as may be shown to have been incurred by him

On refusal of
tenant to ac-
cept lease or
to execute
reciprocal en-
gagement as
person holder
to apply to
Collector

71 When any tenant holding alienated land shall, for one month after demand have refused to accept such a lease as the superior holder of such land was entitled to grant, or to execute a reciprocal engagement under section 60 it shall be lawful for the superior holder to proceed by a suit before the Collector to enforce the acceptance of such lease The Collector shall thereupon hold a formal enquiry to determine whether the lease offered is a proper one

If he shall be of opinion that the lease is a proper one he shall pass a decision directing the tenant to accept the lease and to execute a reciprocal engagement in accordance with it If the Collector shall be of opinion that the lease offered is not a proper one he shall decide what lease ought to be offered and shall pass a decision directing the tenant to accept such lease and to execute a reciprocal engagement in accordance therewith

If within six months after the date of the Collector's decision, the tenant shall not have accepted the lease, as approved or

64 The rent payable by a *ladim* tenant shall not be liable to enhancement except—

(a) to the extent of the proper full assessment as fixed and recorded at a survey under sections 89 and 93 or under a revision of survey under section 93,

(b) to the extent necessary for reimbursing the superior holder for any cess assessable on lands which the Resident may newly impose upon him,

(c) to the extent of the additional value imparted to the holding by any work of irrigation or other improvement executed at the expense of the superior holder or to the extent of any additional tax which he has been required to pay to the Crown by reason of the additional value imparted to the holding whether by the use of the Crown water or by any work of irrigation or other improvement executed at the expense of the Crown

Provided that the enhancement of rent due to additional value imparted to a holding under this section shall be fixed in accordance with the established local usage of the village, or, where there is no such local usage in accordance with rates of assessment prevailing in neighbouring villages as regards lands alienated or unalienated of similar quality with similar advantages

65 The rent payable by a *ladim* tenant is liable to abate

(1) on the ground that the area of the land held by him has been diminished by diluvion or otherwise by any cause beyond his control

(2) to the extent of any reduction of assessment at a survey or revision of survey under sections 89, 93 and 98,

(3) when there has been an enhancement of rent on any of the following grounds, to the extent to which the rent is liable to be reduced by reason of the superior holder's neglect to repair or maintain irrigation works and the consequent diminution of the supply of water for irrigation purposes

65-A When owing to inadequate rainfall in any tract, the Resident orders remission of assessment in respect of lands in the tract the payment of the rent or land revenue by a *ladim* tenant comprised in such tract shall be remitted to an amount prescribed by rules by the Resident and the loss of rent or land revenue incurred by the said superior holder shall be divided between the Crown and the said superior holder in the proportion of the land total assessment of the village less the land revenue payable by the said superior holder to the Crown

Fixed to
which rent
payable by a
ladim tenant
may be en-
hanced.

Crown is for
abatement of
rent payable
by a *ladim*
tenant.

attended by the Collector in the manner aforesaid, and shall not have executed a reciprocal engagement in accordance with the terms of such lease the Collector on the application of the superior holder and on proof of such default on the part of the tenant, shall pass an order for ejecting the tenant.

72 The determination of disputes regarding the amount or rates of rent in suits under sections 70 and 71 shall be in accordance with the rules contained in sections 64 and 65.

Determination of disputes in suits under sections 70 and 71

73 (1) When the superior holder requested by a decision under section 70 to grant a lease refuses or delays to grant the same, the Collector may grant a lease under his own hand and seal in conformity with the terms of the decision and such lease shall be of the same force and effect as if granted by such superior holder.

Procedure on refusal of superior holder to grant lease as directed.

(2) When the tenant required by a decision under section 71 to execute a reciprocal engagement has refused or failed to execute the same the decision shall be evidence of the amount of rent claimable from such tenant and shall have the same force and effect as a reciprocal engagement executed by him.

Collector's decision to be evidence of amount of rent claimable from tenant.

74 (1) In suits under sections 66, 70 and 71 the procedure prescribed by Chapters V, VII, VIII, XXVIII and XLVII of the Code of Civil Procedure as applied to the Civil and Military Station of Bangalore shall be followed in so far as the same may be applicable to them.

Procedure in suits under sections 66 and 71

(2) An appeal shall lie to the Resident's Court from all decisions passed by the Collector under sections 66, 70 and 71, and from all orders passed in execution of any such decision, provided that the appeal be presented to the Resident's Court within ninety days of the Collector's decision or order. But no such decision or order shall be set aside otherwise than upon the merits, for any want of form or irregularity in procedure.

Appeals in such suits to lie to Resident's Court

74-A Any rent or land revenue payable by an inferior holder to a superior holder together with interest at rates fixed by any rules framed by the Resident shall be a first charge on the holding or any part thereof provided that nothing in this section shall affect any right of the Crown or any right or encumbrance created by the inferior holder with the consent of the superior holder in writing registered or before the date of this Law coming into force.

Land revenue payable to a superior holder by an inferior holder to be a first charge on the holding

Recovery of Superior Holders' Dues

75 Superior holders (other than occupants of unalienated lands in villages the settlement of which has not been completed under Bombay Act I of 1865 or under Chapter VII of this Law) shall be entitled to apply to the Collector in writing for assistance by the use of precautionary and other measures for the recovery of rent or land revenue payable to them by inferior holders or by co-sharers in their holdings under the same rules except that contained in section 132, and in the same manner as prescribed in

Superior holders entitled to assistance in recovering rent

Chapter XI of this Law for the realization of land revenue by the Resident :

Proviso

Provided that such application be made within two years from the end of the revenue year or the year of tenancy in which the said rent or land revenue became payable And provided further that, when such application is for the recovery of rent or land revenue from an inferior holder, it is based—

Firstly upon a written agreement duly executed by such inferior holder and registered in accordance with the law for the time being in force for the registration of assurances, or

Secondly, upon a decision passed under any of the foregoing provisions of this Chapter, or

Thirdly, upon the records of a revenue settlement in force for the time being as proved by Government accounts or by accounts which the Resident recognizes for the purpose of this section

Collector how to proceed on such application

76 On application being made under section 75 to the Collector he shall cause a written notice thereof to be served on the inferior holder or co sharer fixing a day for inquiry into the case. On the day so fixed he shall hold a summary inquiry and shall pass an order for rendering assistance to the superior holder for the recovery of such amount if any of rent or land revenue as appears to him upon the evidence before him to be lawfully due

Assistance may be refused or granted to a limited extent only

But if it appears to the Collector that the question at issue between the parties is of a complicated nature he may in his discretion either refuse the assistance asked for or if the land to which the dispute relates has been assessed under the provisions of Chapter VII of this Law or at any survey settlement confirmed by section 90 grant assistance to the extent only of the assessment so fixed upon the said land

Civil suit not to be barred.

Nothing in this section shall prevent either party from having recourse to the Civil Courts to recover from the other such amount as he may deem to be still due to him or to have been levied from him in excess of what was due, as the case may be

Grant of Special Powers to Holders of Alienated Lands

Resident may by commission confer certain powers on holders of alienated lands.

77 It shall be lawful for the Resident at any time to issue a commission to any holder of alienated lands conferring upon him all or any of the following powers in respect of the land specified in such commission namely —

(a) to demand security for the payment of the land revenue or rent due to him and if the same be not furnished, to take such precautions as the Collector is authorized to take under sections 136 to 138 except the power to fine under para 3 of section 137, or to sell the crop under section 135,

er under
mission to
ent to
rent and
years
rate.

81 The power conferred by any such commission shall extend to the enforcement of the payment of the revenue or rent of the current revenue year and of the revenue year next immediately preceding, but not that of former years

holder of
mission on not
enforce any
usual or
was to
demand

82 The holder of any such commission shall not enforce a demand for revenue or rent in excess of what any inferior holder has paid previously to the date of such demand, or of what he may have contracted to pay by an instrument in writing duly registered in accordance with the law for the time being in force relating to the registration of assurances, or of what may have been decided as the proper amount of rent by a decision under sections 66, 70 or 71. In the event of a dispute, the Collector shall hold a summary inquiry and decide what is just and the holder of the commission shall not enforce a demand for more than what is so decided to be just

Penalty for
so doing

The person against whom any demand shall have been enforced in excess of the amount of which payment is lawfully enforceable, shall be entitled to recover in conviction of the holder of the commission in a summary inquiry before the Collector three times the amount of any such excessive demand by way of damages and the sum so due by the holder of the commission shall be levied from him as an arrear of land revenue

Nothing in
this Chapter
to prevent civil
suit.

83 Nothing contained in the provisions of this Chapter shall prevent parties holding the relation of landlord and tenant from seeking remedy in Civil Courts on matters not specially provided for in this chapter

CHAPTER VII

OF SURVEY SETTLEMENTS AND THE PARTITION OF ESTATES

Survey Settlements

Revenue
survey may be
introduced by
the Government
into
any part of
the State.

84 It shall be lawful for the Resident whenever it may seem expedient to direct the survey of any land in any part of the Civil and Military Station, with a view to the settlement of the land revenue and to the record and preservation of rights connected therewith, or for any other similar purpose, and such survey shall be called a revenue survey. Such survey may extend to the land of any village town or city generally, or to such land only as the Resident may direct and subject to the orders of the Resident, it shall be lawful for the officers conducting any such survey to except from the survey so much land as they think fit which it may not seem expedient that such settlement should be applied

Control of
revenue
survey

The control of every such revenue survey shall vest in and be exercised by the Resident.

(b) to attach the property of persons making default in the payment of such land revenue or rent as aforesaid,

(c) to exercise the powers of Collector under sections 41 and 42,

(d) to receive notices of relinquishment under section 49 and to determine the date up to which such notices shall be received as in that section provided, and

(e) to take measures for the maintenance and repair of boundary marks in the manner provided for survey officers in section 108

Provided that the powers contemplated in clauses (c) to (e) both inclusive, shall be conferred only on holders of lands to which a survey settlement has been extended

And provided further that the Resident may in his discretion invest any holders of alienated village with any of the powers of Collector under this Law when such holder has within the 30 years before the passing of this Law regularly exercised corresponding powers whenever the estate has been in his own management

78 Every such commission shall be in the form of Schedule E, and shall be liable to be withdrawn at the pleasure of the Resident and a commission may if the Resident see fit be issued to one or more agents of a holder of alienated lands as well as to the holder in person Terms of commission

79 If the holder of any such commission attach a defaulter's property, he shall make an immediate report to the Collector of his having done so Should the demand on account of which the attachment has been made appear to the Collector, after such Reference must be made by holder of commission to Collector in certain cases

or his subordinates or by the holder if the Resident by an order under the last proviso to section 77, has authorized the holder to conduct such sale

80 All compulsory processes shall cease—

on the defaulter's paying or tendering the amount demanded of him under protest, or

on his furnishing either to the holder of the commission or his agent or agents, or to the Collector, satisfactory security in the form of Schedule C, or to similar effect

And any holder of any such commission as aforesaid, by himself or his agents proceeding with any compulsory process after payment as aforesaid, or after tender thereof, shall be liable, on conviction in a summary inquiry before the Collector, to a penalty not exceeding three times the amount of the revenue sought to be recovered by such compulsory process When compulsory process shall cease

85 It shall be lawful for the survey officer deputed to conduct the survey to require by warrant, or by summons, the attendance of holders of land and of all persons interested therein in person or by legally constituted agent duly instructed and able to answer all material questions, and the presence of taluk and village officers, also in their several stations and capacities are legally or by usage, bound to perform service in virtue of their respective offices and to require from them such assistance in the operations of the survey, and such service in connection therewith, as may not be inconsistent with the position of the individuals concerned.

86 It shall be lawful for the survey officer to call upon all holders of land and other persons interested therein to assist in the measurement or classification of the lands to which the survey extends by furnishing the officers and in the event of a necessity for employing hired labour for this or other work or for incidental to survey operations it shall be lawful to assess the cost thereof, with all contingent expenses on the lands surveyed for collection as a revenue demand.

87 Except as hereinafter provided no survey number can be assigned to any land used for purposes of agriculture of less extent than a minimum to be fixed from time to time for the several classes of land by the Resident. A record of the minimum so fixed shall be kept in the Collector's Office and shall be open to the inspection of the public at all reasonable times.

Exception 1—These provisions shall not apply to survey numbers which have already been made of less extent than the minimum so fixed or which may be so made under the authority of the Resident given either generally or in any particular case, in this behalf, and any survey number separately recognized in the survey records shall be deemed to have been authorizedly made, whatever be its extent.

Exception 2—Survey numbers may, from time to time and at any time, be divided into so many subdivisions as may be required in view of the acquisition of rights in land or for any other reason.

88. Recognized shares of survey numbers shall be subject to the same provisions of this Law as are applicable to entire survey numbers, except—

(a) that it shall not be obligatory to demarcate such shares separately, and

(b) that if any such share is sold or mortgaged

occupant
there of

is
payable

said shares and that, in the event of their all refusing the occupancy of the said share the assessment thereon shall until such time as the entire number is relinquished by them, be levied from them in proportion to the amounts of assessment payable by them as aforesaid

Officer in charge of survey to fix assessment.

89 (1) Subject to rules or orders made in this behalf under section 223, the officer in charge of a survey shall have authority to fix the assessment for land revenue at his discretion on all lands within the local operation of an order made under section 81 not wholly exempt from land revenue and the amounts due according to such assessment shall subject to the provisions of section 90, be levied on all such lands

The assessment may be on land or on means of irrigation etc.

(2) The power to assess under this section shall in the case of lands used for purposes of agriculture alone include power to assess whether directly on the land or in the form of a rate or cess upon the means of irrigation in respect of which no rate is levied under section 33, or in any other manner whatsoever that may be sanctioned by the Resident

Provided to be laid to provisions to section 30, 1 proviso.

(3) In fixing the assessment under this section regard shall be had to the requirements of the proviso to section 30

(4) Nothing in this section shall be deemed to prevent the survey officer aforesaid from determining and registering the proper full assessment on lands wholly exempt from payment of land revenue or on all lands specially excepted under section 91 from the survey settlement or from dividing all such lands to which the survey extends into survey numbers.

Assessment to be valid without the sanction of the Resident. But may be fixed with sanction of the Resident for a term of years.

90 The assessment fixed by the officer in charge of a survey shall not be levied without the sanction of the Resident. It shall be lawful for the Resident to declare such assessment with any modification which he may deem necessary fixed for a term of years not exceeding thirty in the case of lands used for the purposes of agriculture alone and in the case of all other lands for any term or in perpetuity. Provided that nothing in this section shall prevent the Resident from fixing the assessment on lands held on coffee tenure or granted for fuel or timber plantations for any term or in perpetuity subject to such conditions as he may prescribe

Introduction of survey settlement not how to be made.

91 When in the case of lands used for the purposes of agriculture alone the Resident shall have sanctioned the assessments fixed by the officer in charge of the survey, it shall be the duty of the said officer or of the Collector publicly to announce or to cause to be announced the assessment fixed on each survey number or recognized share of a survey number

The said officer or the Collector shall at a reasonable time before the same can be put in force give notice to each owner or as he shall deem fit of the rate at which the assessments will be levied and announced as aforesaid

93 It shall be lawful for the Resident to direct at any time a fresh revenue survey or any operation subsidiary thereto, but no enhancement of assessment shall take effect till the expiration of the period periodically fixed under the provisions of section 90, or of Bombay Act I of 1869.

Resident may direct a fresh revenue survey and revision of assessment.

A revised assessment shall be fixed not with reference to the improvements made from private capital and resources during the currency of any settlement made under this Law or under Bombay Act I of 1869 but with reference to general considerations of the value of land with regard to soil or irrigation prices of produce or facilities of communication.

Improvements made from private capital and resources shall be assessed.

When in fixing the assessment of any land regard is had to a natural advantage thereof and that advantage cannot be fully utilized except by means of an improvement which has not been made at the time of fixing the assessment nothing in this section shall prevent the Resident from forcing his demand for a portion of the assessment until the expiration of such period after the improvement has been made as having regard to the reasonable claims of the person making the improvement and the expediency of encouraging improvements, it may think fit.

94 Nothing in the last preceding section shall be held to prevent a revised assessment being fixed with reference to any improvement effected at the cost of the Crown.

Certain improvements may be considered in fixing revised assessment.

95 It shall be the duty of the survey officer, on the occasion of making or revising a settlement of land revenue to prepare a register to be called 'the Settlement Register,' showing the area and assessment of each survey number, together with the name of the registered occupant of such survey number, and other records, in accordance with such orders as may from time to time be made on this behalf by the Resident.

Preparation of statistical and fiscal records.

Survey officer or Collector to correct clerical and arithmetic errors in the Settlement Register

96 The survey officer, or, if the survey settlement have been introduced under the provisions of section 91 by the Collector, the Collector may at any time correct or cause to be corrected, any clerical errors and any errors which the parties interested admit to have been made in the Settlement Register

And enquire into and pass orders on certain applications for mutation of names

The Superintendent of Survey or the Collector shall receive and enquire into all applications made to him at any time within two years after the introduction of the survey settlement for the correction of any wrong entry of a registered occupant's name in the said register and, if satisfied that an error has been made, whether through fraud, collusion oversight or otherwise, shall correct or cause the same to be corrected notwithstanding that all the parties interested do not admit the error but he shall not receive any such application at any time after two years from the date of the introduction of the survey settlement unless good cause be shown to his satisfaction for the delay in making such application, and no such correction shall be made in consequence of any application made after two years, except with the sanction of the Government

Collector to keep a true record and frame village records in accordance therewith and to register changes etc

97 The Collector shall keep the Settlement Register and such other records prepared by the survey officer as the Resident shall direct and shall cause the village records and accounts to be prepared in accordance therewith

He shall not make any alterations or corrections in the Settlement Register but shall cause to be registered in the village records and accounts all changes that may take place and anything that may affect any of the rights or interests therein recorded

Assumption of management of alienated villages by the Crown

97-A Whenever it appears to the Resident that it is expedient in the public interests to take over the management of an alienated village by the Crown on account of the minority, unsoundness of mind or other incapacity of the holder or any other cause the Resident may by notification in the Mysore Residency Orders order the Collector or any servant of the Crown to assume the management of such village temporarily on behalf of the Crown provided that unless the holder is a minor or of unsound mind, the assumption shall not be made without giving notice to the holder and affording him a reasonable opportunity to be heard and to adduce evidence to show that he is fit to manage the village. The Resident may by a like order release the property from the management of the Crown as soon as the holder ceases to be a minor or the disability has ceased or for any other reason.

Management by the Crown of alienated villages on account of minority or unsoundness of mind or other cause in the village.

97-B If the holder of an alienated village is not less than half the age of majority at the date of the Collector's notification, the Collector shall hold a formal enquiry into the affairs of the village and shall report to the Resident the result of such enquiry.

that it is necessary to take over the village, he shall make a recommendation to the Resident. When holders of alienated land holding in the aggregate not less than half the shares in an alienated village apply to the Collector that the village should be taken under the management of the Crown on account of misunderstanding between them and their tenants or on account of disputes amongst themselves or for other valid reasons, the Collector shall hold a formal enquiry and if satisfied that the village should be taken over, he shall make a recommendation to the Resident. The Resident may thereupon order the Collector or any other servant of the Crown to assume the management of such village temporarily on behalf of the Crown. Management assumed under this section shall not be for a period of less than eight years and nine per cent of the revenue of the village shall be charged to the Inamdar towards the cost of administration.

98 In the event of any alienated village or estate coming under the temporary management of servants of the Crown it shall be lawful for the Collector to let out the lands thereof at rates determined by means of a survey settlement or at such other fixed rates as he may deem to be reasonable and to sell the occupancy of unoccupied lands by auction and otherwise to conduct the revenue management thereof under the rule for the management of unalienated lands so far as such rules may be applicable and for so long as the said village or estate shall be under the management of servants of the Crown provided however that any written agreements relating to the land made by the superior holder of such village or estate shall not be affected by any proceedings under this section in so far as they shall not operate to the detriment of the lawful claims of the Crown on the land.

Revenue management of villages or estates not belonging to the Crown that may be temporary under management of the Crown

LAW

revenue

Partition

100 The following rules shall be enforced at the partition of any estate paying land revenue to the Resident, namely —

Rules for partition of estate paying revenue to the Resident

(1) the estate shall be divided as far as possible according to survey numbers without subdividing any number, but if the partition cannot be completely effected without subdividing a number, such subdivision may be made by the Collector, subject to the provisions of section 87

(2) any number or subdivision of a number, which may remain over after the partition has been carried out, as far as possible, according to the last rule, and which is incapable of subdivision or of further subdivision owing to the provisions of section 87, shall be made over to one of the sharers in consideration of his paying to the other sharers the value in money of their shares in the

same, or shall be sold and the proceeds divided amongst all the sharers, or otherwise disposed of, as the Collector thinks fit

(3) the expenses necessarily and properly incurred in making such partition shall be recoverable as a revenue demand in such proportions as the Collector thinks fit from the sharers at whose request it is made, or from the persons interested in such partition.

101 Whenever any one or more co-sharers in an alienated village into which a revenue survey has been introduced consent to a partition of the said estate it shall be lawful for the Collector, or for any other officer duly empowered by him in this behalf, subject to the rules contained in the last preceding section, to divide the said village into shares according to the respective rights of the co sharers, and to allot such shares to the co sharers.

Provided that no such partition shall be made unless —

(a) all the co sharers are agreed as to the extent of their respective rights in the village, and

(b) the assessment of the share or shares of the sharer or sharers consenting to such partition exceeds one half of the assessment of the entire village

In such cases the expenses of partition shall be recovered under rule (3) of the last preceding section from all the co sharers in the village divided

102 At the time of a revision of survey it shall be in the discretion of the officer in charge of the survey subject to the provisions of section 87 and to any departmental rules or orders in this behalf at the time in force to sub divide any survey number into two or more distinct numbers and to enter the names and liabilities of the persons whom he shall deem entitled to be recognized as registered occupants of such sub divisions in the settlement register separately

103 When any portion of cultivable land is appropriated under the provisions of section 41 or 43 for any non agricultural purpose the portion so appropriated may, with the sanction of the Collector, be demarcated, and made into a separate number at any time, notwithstanding the provisions of section 87

CHAPTER VIII

THE SETTLEMENT OF BOUNDARIES AND THE CONSTRUCTION AND MAINTENANCE OF BOUNDARY MARKS

101 The boundaries of village, situated in the Civil and Military Station of Bangalore shall be fixed and all disputes relating thereto shall be determined by survey with or by such other officers as may be nominated by the Board for that purpose and shall be guided by the following rules

Rule I — When the patch and other village boundaries of any village consist of two or more adjacent villages and in those cases shall be determined by the Board for that purpose and shall be guided by the following rules

partition of estate directed by the Collector on application by the sharers.

note.

sub-division of numbers at time of revision of survey

Separate demarcation of land appropriated under section 41 or 43

Determination of village boundaries.

When boundaries may be with two or more adjacent villages and in those cases shall be determined by the Board for that purpose and shall be guided by the following rules

lower in rank than a Superintendent of Survey, by the Superintendent of Survey, shall be final.

When award
may be
ruled for
consideration

Provided that the said officer or the Superintendent of Survey shall have power to remit the award or any of the matters referred to arbitration, to the reconsideration of the same committed for any of the causes set forth in paragraph 11 of the Second Schedule to the Code of Civil Procedure 1908.

If arbitrators fail, survey of 12th to write the dispute.

If the committee appointed in the manner aforesaid fail to effect a settlement of the dispute within the time specified it shall be the duty of the officer aforesaid unless he or if the said officer is a survey officer lower in rank than a Superintendent of Survey the Superintendent of Survey see fit to extend the time, to settle the same as otherwise provided in this Law.

Fixed at the
element of
a boundary

107 (1) The settlement of a boundary under any of the foregoing provisions of this Chapter shall be determinative—

(a) of the proper position of the boundary line or boundary marks, and

(b) of the rights of the landholders on either side of the boundary fixed in respect of the land adjudged to appertain or not to appertain, to their respective holdings.

(2) Where a boundary has been so fixed the Collector may at any time summarily evict any landholder who is wrongfully in possession of any land which has been adjudged in the settlement of a boundary not to appertain to his holding or to the holding of any person through or under whom he claims.

Boundary Marks

108 It shall be lawful for any survey officer authorized by a Superintendent of Survey or settlement officer to cause to be constructed or repaired boundary marks of villages or survey numbers, whether cultivated or uncultivated and to assess all charges incurred thereby on the holders or others having an interest therein.

Contract on
and repair of
boundary
between
dairy
business and
village

Such officer may require landholders to construct or repair their boundary marks by a notification which shall be posted in the *charad*, or survey be- or repair.

or repair, and on their failure to comply with the respective survey numbers and on their failure to pay the purchase price so made the survey, offer at all times a tract or part thereof to the Government, and assess all charges incurred thereby at a rate not to exceed the cost of the same.

A general notification issued in the manner of record shall be held to be good and sufficient notice to each and every person having any interest in any survey made within the limits of the lands to which the survey extends.

M17-LD

A general
impression
to be good
and without
notice of
any change.

lower in rank than a Superintendent of Survey, by the Superintendent of Survey, shall be final

When award
may be
referred for
reconsideration.

Provided that the said officer or the Superintendent of Survey shall have power to remit the award or any of the matters referred to arbitration to the reconsideration of the same committee for any of the causes set forth in paragraph 11 of the Second Schedule to the Code of Civil Procedure 1908

If a arbitration
final, survey
off set to
be the
dispute.

If the committee appointed in the manner aforesaid fail to effect a settlement of the dispute within the time specified it shall be the duty of the officer aforesaid unless he or if the said officer is a survey officer lower in rank than a Superintendent of Survey the Superintendent of Survey see fit to extend the time, to settle the same as otherwise provided in this Law

Effect of the
settlement of
a boundary

107 (1) The settlement of a boundary under any of the foregoing provisions of this Chapter shall be determinative—

(a) of the proper position of the boundary line or boundary marks, and

(b) of the rights of the landholders on either side of the boundary fixed in respect of the land adjudged to appertain or not to appertain to their respective holdings

(2) Where a boundary has been so fixed the Collector may at any time summarily evict any landholder who is wrongfully in possession of any land which has been adjudged in the settlement of a boundary not to appertain to his holding or to the holding of any person through or under whom he claims

Boundary Marks

108 It shall be lawful for any survey officer authorized by a Superintendent of Survey or settlement officer to cause to be constructed or repaired boundary marks of villages or survey numbers whether cultivated or uncultivated and to assess all charges incurred thereby on the holders or others having an interest therein

Such officer may require landholders to construct or repair their boundary marks by a notification which shall be posted in the *charads* or other public place in the village to which the lands under survey belong directing the holders of survey numbers to construct or repair within a specified time the boundary marks of their respective survey numbers and in their failure to comply with the notification to make the survey officer shall then construct or repair them and assess all charges incurred thereby as he may see fit provided

A general notification issued in the manner aforesaid shall be held to be good and sufficient notice to each and every person having any interest in any survey numbers within the limits of the lands to which the survey extends

MILLD

Construct on
and repair of
boundary
marks of
survey
numbers and
villages.

Requirement on
landholders
to erect or
repair
boundary
marks.

A general
notification
to be good
and sufficient
notice of
requirement.

voluntarily agree to any given line of boundary as the boundary common to their respective villages, the officer determining the boundary shall require the said parties to execute an agreement to that effect and shall then mark off the boundary in the manner agreed upon. And any village boundary fixed in this manner shall be held to be finally settled, unless it shall appear to the said officer that the agreement has been obtained by fraud, intimidation, or any other illegal means.

Rule 2 If the panchs and other village officers and, in the case of an alienated village, the holder thereof or his duly constituted agent, do not agree to fix the boundaries of their respective villages in the manner prescribed in the preceding rules or if it shall appear to the said officer that the agreement has been obtained by fraud, intimidation or any other illegal means, or if there be any pending dispute the said officer shall make a survey and plan of the ground in dispute exhibiting the line claimed by the contending parties, and all particulars relating thereto, and shall hold a formal enquiry into the claims of the said parties and thereafter make an award in the case. If either of the villages concerned be alienated, an award made by a survey officer shall unless the officer making it be the Superintendent of Surveys, be subject to his confirmation.

105 If at the time of survey the boundary of a field or holding be undisputed and its correctness be affirmed by the village officers then present it may be laid down as pointed out by the holder or person in occupation and if disputed, or if the said holder or person in occupation be not present it shall be fixed by the survey officer according to the village records, and according to occupation as ascertained from the village officers and the holders of adjoining lands, or on such other evidence or information as the survey officer may be able to procure.

If any dispute arise concerning the boundary of a field or holding which has not been surveyed, or if at any time after the survey records have been handed over to the Collector a dispute arise concerning the boundary of any survey number, it shall be determined by the Collector, who shall be guided, in the case of survey numbers, by the survey records, if they afford satisfactory evidence of the boundary previously fixed, and, if not, by such other evidence as he may be able to procure.

106 If the several parties concerned in a boundary dispute agree to submit the settlement thereof to the Collector, and make known

it would be the same persons, by the Collector, at a specified time, and the Collector, or, if the said officer be a survey officer, such decision, when confirmed, shall be final.

The size material and description of boundary marks shall be such as may under the orders of the Resident, be fixed by the Superintendent of Survey according to the requirements of soil and climate Destruction of boundary marks

109 Every landholder shall be responsible for the maintenance and good repair of the boundary marks of his holding and for any charges reasonably incurred on account of the same by the revenue officers in cases of alteration removal or disrepair. It shall be the duty of village officers and servants to prevent the destruction or unauthorized alteration of the village boundary marks Responsibility for the maintenance of boundary marks.

110 When the survey settlement shall have been introduced into the Station the charge of the boundary marks shall devolve on the Collector and it shall be his duty to take measures for their maintenance and repair and for this purpose the powers conferred on survey officers by section 108 shall vest in him Collector to have charge of boundary marks after introduction of the survey settlement

111 Any person convicted after a summary enquiry before the Collector or before a survey officer not lower in rank than an Assistant Superintendent of Survey of wilfully erasing removing or injuring a boundary mark or unauthorizedly erecting a boundary mark shall be liable to a fine not exceeding fifty rupees for each mark so erased, removed injured, or erected Penalty for injuring boundary marks

CHAPTER IX

OF LANDS WITHIN THE SITES OF VILLAGES TOWNS AND CITIES

112 It shall be lawful for the Collector or for a survey officer acting under the general or special orders of the Resident to determine what lands are included within the site of any village town or city, to fix and from time to time to vary the limits of the same respect being had to all subsisting rights of landholders and to set apart for building sites within such limits any lands which may be the property of the Crown or of a landlord Limits of sites of villages towns and cities how to be fixed and assignment of building sites

already set apart for building sites within the sites of any village, town or city shall be deemed to have been so set apart under this section

113 It shall be lawful for the Collector or such other authority as the Resident may authorize in this behalf to dispose of lands set apart for building sites under section 112 in such manner as may be directed by rules which the Resident may from time to time frame in that behalf either subject to or exempt from liability to payment of land revenue as may be directed by such rules Disposal of building sites

114 The existing right of occupancy of all lands within the sites of villages, towns and cities is hereby confirmed so far as the Occupancy right confirmed.

interest of the Crown is concerned, only excepting the case of encroachments, as provided for in section 21 of this Law.

115 (1) Existing exemptions from payment of land revenue of lands situate within the sites of villages, towns and cities are hereby confirmed—

Firstly, if such lands be alienated lands recognized by competent authority as wholly or partially exempt from the payment of land revenue,

Secondly, if such lands, being other than lands ordinarily used for purposes of agriculture have been held wholly or partially exempt from payment of land revenue at the time of the introduction of this Law,

Thirdly, if such lands, being ordinarily used for purposes of agriculture, have been held exempt from payment of land revenue at the time of the introduction of this Law having been excepted from a survey settlement already introduced on the ground of their being back yards or *kuttals* attached to buildings or of its being deemed inexpedient to apply a survey settlement to them

(2) The Resident may from time to time make, and from time to time vary or rescind, rules—

(a) declaring the nature, extent, description and situation of lands ordinarily used for purposes of agriculture within the sites of villages, towns and cities to which a survey settlement shall not be applied and which shall be exempt from land revenue and

(b) fixing the assessment in lands not exempt from land revenue, and situated within the sites of villages towns and cities for any term or in perpetuity anything in section 93 notwithstanding

116 If any land within the sites of any village town or city hitherto ordinarily used for agricultural purposes only and partially exempt from the payment of land revenue be appropriated to any other purposes, it shall be liable to the payment of one-eighth of the rate fixed for unalienated land used for similar purposes in the same locality, in addition to the quit rent payable in respect of such land

117 If the Resident shall at any time deem it expedient to direct a survey of the lands other than those ordinarily used for the purposes of agriculture only within the site of any village town or city under the provisions of section 93, or a fresh survey thereof, under the provisions of section 93 such survey shall be conducted, and all its operations shall be regulated according to the provisions of Chapters VII and VIII of this Law, and shall be subject to all existing exemptions from the payment of land revenue confirmed by section 115 :

Provided that the provisions contained in sections 93, 94, 95, 96, 97, 98, 99, 100, 101 thereof shall be extended to any such survey

Existing exemptions confirmed

If land is an alien

If non-agricultural land has hitherto been wholly or partially exempt from payment of land revenue

If agricultural land has hitherto been exempt from payment of land revenue on the ground of its being back yards or kuttals

Resident may declare what lands are to be exempt from payment of land revenue

And fix assessment for term or in perpetuity

Land is to be used for purposes of agriculture only and partially exempt from payment of land revenue

Survey of land in sites of villages towns and cities under the provisions of section 93

Provided

in any town or city containing more than two thousand inhabitants

118 When a survey is extended under the provisions of the last preceding section to the site of any town or city containing more than two thousand inhabitants each holder of a building site shall be liable to the payment of a survey fee to be assessed by the Collector under such rules as may be prescribed in this behalf from time to time by the Resident. ^{Insertion came a survey fee to be charged.} Provided that the said fee shall in no case exceed rupees five for each survey number. The said survey fee shall be payable within six months from the date of a public notice to be given in this behalf by the Collector after the completion of the survey of the site of the town or city or of such part thereof as the notice shall refer to.

119 Every holder of a building site as aforesaid shall be entitled, after payment of the said survey fee to receive from the Collector without extra charge one or more sanads in the form of Schedule 'I' specifying by plan and description the extent and conditions of his holding. ^{Sanad to be granted without extra charge}

Provided that, if such holder do not apply for such sanad or sanads at the time of payment of the survey fee or thereafter within six months from the date of the public notice issued by the Collector under the last preceding section the Collector may require him to pay an additional fee not exceeding one rupee for each sanad. ^{Proviso}

Every such sanad shall be executed on behalf of the Crown by such officer as may, from time to time, be lawfully empowered to execute the same.

CHAPTER X

OF THE RECORDS OF RIGHTS

120 The provisions of sections 127 and 129 shall apply in respect of a village only after the expiry of two years from the date of the notification in the Mysore Residency Orders referred to in sub section (2) of section 121.

121 (1) There shall be prepared as soon as conveniently may be and shall thereafter be maintained in every village a record of rights in all lands belonging thereto which shall include the following particulars namely — ^{Prepared on & maintenance of Record of Rights}

(a) the names of all persons (other than tenants) who are holders, occupants owners or mortgagees of the land of assignees of the rent or revenue thereof,

(b) the nature and extent of the respective interests of such persons and the conditions or liabilities (if any) attaching thereto,

(c) the rent or revenue (if any) payable by or to any of such persons.

123 (1) The officer appointed in this behalf, shall enter in a register of mutations every report made to him under section 122 and shall also make an entry therein respecting the acquisition of any right of the land mentioned in paragraph 1 of section 122, which he has reason to believe to have taken place and of which a report has not been made to him under the said section

Register of
Mutations and
Register of
Disputed
Cases

(2) Whenever an officer appointed in this behalf makes an entry in the register of mutations he shall at the same time post up a complete copy of the entry in a conspicuous place in the Chavadi, and shall give written intimation to all persons appearing from the record of rights or register of mutations to be interested in the mutation and to any other person whom he has reason to believe to be interested therein

(3) Should any objection to an entry made under sub-section (1) in the register of mutations be made either orally or in writing to the officer appointed in this behalf it shall be the duty of the said officer to enter the particulars of the objection in a register of disputed cases

(4) Orders disposing of objections entered in the register of mutations by such by rules made by

(5) The transfer of entries from the register of mutations to the record of rights shall be effected subject to such rules as may be made by the Resident in this behalf provided that an entry in the register of mutations shall not be transferred to the record of rights until such entry has been duly certified

(6) Entries in the register of mutations shall be tested and if found correct or after correction as the case may be shall be certified by a revenue officer of rank not lower than that of Collector

(7) The provisions of this section shall apply in respect of *ladim* and other perpetual tenancies and also in respect of any tenancies mentioned in a notification under the proviso to sub-

dent may prescribe by rules made in this behalf

124 (1) Any person whose rights interests or liabilities are required to be or have been entered in any record or register under this Chapter shall be bound on the requisition of any revenue officer engaged in compiling or revising the record or register, to furnish or produce for his inspection within one month from the date of such requisition all such information or documents needed for the correct compilation or revision thereof as may be within his knowledge or in his possession or power.

Obliged on
to furnish
information

Provided that no such requisition shall be made by a village accountant unless it has been previously countersigned by a revenue officer of such rank as may be prescribed by Resident in this behalf.

(2) A revenue officer to whom any information is furnished or before whom any document is produced in accordance with a requisition under sub section (1) shall at once give a written acknowledgment thereof to the person furnishing or producing the same and shall endorse on any such document a note under his signature stating the fact of its production and the date thereof

125 Any person neglecting to make the report required by section 122 or furnish the information or produce the documents required by section 124 within the prescribed period shall be liable, at the discretion of the Collector, to a fine not exceeding five rupees which shall be leviable as an arrear of land revenue

126 Subject to rules made in this behalf by the Resident—

(a) any revenue officer may, for the purpose of preparing or revising any map or plan required for or in connection with any record or register under this Chapter, exercise any of the powers of a survey officer under sections 85 and 86 except the power of assessing the cost of hired labour under section 86, and

(b) any revenue officer of rank not lower than that of Collector or of a survey officer may assess the cost of the preparation or revision of such map or plan and all contingent expenses including the cost of clerical labour and supervision on the lands to which such maps or plans relate, and such costs shall be recoverable as a revenue demand

127 (1) The plaintiff or applicant in every suit or application as hereinafter defined relating to land shall annex to the plaint or application a certified copy of any entry in the record of rights, register of mutations or register of tenancies relevant to such land.

(2) If the plaintiff or applicant fails to do so for any cause which the Court deems sufficient, he shall produce such certified copy within a reasonable time to be fixed by the Court and if such certified copy is not so annexed or produced, the plaint or application shall be rejected, but the rejection thereof shall not of its own force preclude the presentation of a fresh plaint in respect of the same cause of action or of a fresh application in respect of the same cause of action with a certified copy annexed.

Penalty for neglect to afford information.

Requisition of assistance in preparation of maps

Certified copy of record to be annexed to plaint or application

Collector shall in such case cause the entry to be corrected in accordance with the decree or decision of the Court, so far as it adjudicates upon any right required to be entered in the record of rights, register of mutations or register of tenancies. The provisions of this sub-section shall apply provided that, in the case of an order passed by the Resident, the correction may be made by the Court from which the appeal lay or the record was called for.

(4) In this section—

(a) "Suit" means a suit to which the provisions of the Code of Civil Procedure apply,

(b) "Application" means an application—

(i) for the execution of a decree or order in a suit,

(ii) for the filing of an agreement stating a case for the opinion of the Court under the Code of Civil Procedure 1908,

(iii) for the filing of an agreement to refer to arbitration under paragraph 17 of the Second Schedule to the said Code,

(iv) for the filing of an award under paragraph 20 of the said Schedule,

(v) of any other kind to which the Resident may, by notification in the Mysore Residency Orders direct that this section shall apply,

(c) an application shall be deemed to relate to land if the decree or other matter, with respect to which the application is made, relates to land,

(d) a suit, decree or other matter relating to land shall, without prejudice to the generality of the expression be deemed to include a suit, decree or other matter relating to the rent or tenancy of land.

128 Notwithstanding anything in section 75 the Collector shall refuse assistance to any superior holder under the said section if his claim to such assistance is not supported by an entry or entries duly made in the record of rights, register of mutations or register of tenancies. Refusal of assistance under section 75

129 An entry in the record of rights and a certified entry in the register of mutations shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefor. Presumption of correctness of entries in record of rights and register of mutations.

130 No suit shall lie against the Crown or any servant of the Crown in respect of a claim to have an entry made in any record or register that is maintained under this Chapter, or to have any such entry omitted or amended and the provisions of Chapter XIII shall not apply to any decision or order under this Chapter. Bar of Suit.

CHAPTER XI

OF THE REALIZATION OF THE LAND REVENUE AND OTHER
REVENUE DEMANDS*Responsibility for Land Revenue.*

131. The registered occupant shall be primarily responsible to the Resident for the land revenue of unalienated land, and the superior holder shall be primarily responsible to the Resident for the land revenue of alienated land.

On failure of the person primarily responsible to the Resident for the land revenue to pay the same according to the rules legally prescribed in that behalf it may be recovered from the co-occupant of unalienated land or the co-sharer of alienated land, or in either case from the inferior holder or person in actual occupation of the land.

When the land revenue is recovered from any such occupant, co-sharer, inferior holder or other person he shall be allowed credit for all payments which he may have made to the registered occupant or superior holder, or to his landlord, at or after the prescribed or usual times of such payments, and he shall be entitled to credit in account with the registered occupant or superior holder or with his landlord for the amount recovered from him.

Priority of Claim for Land Revenue

132. The claim for moneys recoverable under the provisions of this Chapter shall have precedence over any other debt demand or claim whatever whether in respect of mortgage, judgment decree, execution or attachment, or otherwise howsoever, against any land or the holder thereof.

133. In all cases the land revenue for a revenue year of land used for agricultural purposes if not otherwise discharged shall be recoverable, in precedence to all other claims from any crop planted or harvested during such year on the land subject to the same.

paid, whether the date fixed for the payment of the same, under the provisions hereinafter contained, has yet arrived or not. But in no case shall a crop, or any portion of the same, which has been sold, mortgaged, or otherwise disposed of, be detained on account of more than one year's revenue.

136 It shall be lawful for the Collector, in order to secure the payment of the land revenue by the enforcement of the lien of the Crown on the crop —

(a) to require that the crop growing on any land liable to the payment of land revenue shall not be reaped until a notice in writing has first been given to himself or to some other officer to be named by him in this behalf and such notice has been returned endorsed with an acknowledgment of its receipt,

(b) to direct that no such crop shall be removed from the land on which it has been reaped, or from any place in which it may have been deposited without the written permission of himself or of some other officer as aforesaid,

(c) to cause watchmen to be placed over any such crop to prevent the unlawful reaping or removal of the same and to realize the amount repaid for the remuneration of the said watchmen at such rate not exceeding the rate of pay received by the peons on his establishment as he may deem fit as an arrear of land revenue due in respect of the land to which such crop belongs.

137 The Collector's order under either clause (a) or clause (b) of the last preceding section may be issued generally to all the holders of land paying revenue to the Resident in a village, or to individual holders merely.

If the order be general it shall be made known by public proclamation to be made by beat of drum in the village and by affixing a copy of the order in the *charadi* or some other public building in the village. If it be to individual holders, a notice thereof shall be served on each holder concerned.

Any person who shall disobey any such order after the same has been so proclaimed or a notice thereof has been served upon him, or who shall, within the meaning of the Indian Penal Code, abet the disobedience of any such order, shall be liable, on conviction after summary inquiry by the Collector, to a fine not exceeding double the amount of the land revenue due on the land to which the crop belongs in respect of which the offence is committed.

138 The Collector shall not defer the reaping of the crop, or prolong its deposit unduly so as to damage the produce, and if, within two months after the crop has been deposited, the revenue due has not been discharged, he shall either release the crop and proceed to realize the revenue in any other manner authorized by this Chapter, or take such portion thereof as he may deem fit for sale under the provisions of this Chapter applicable to sales of moveable

In order to secure the land revenue the Collector may

prevent the reaping of the crop or

the removal thereof, or

place watchmen over it.

Collector's order under that section how to be made known.

Penalty for disobedience of order

Reaping etc., not to be unduly deferred.

Crop when to be released.

property in realization of the revenue due and of all legal costs, and release the rest :

Proviso.

Provided that the limit of two months shall not apply to articles of a perishable nature which shall immediately be sold as provided in section 163

Temporary attachment and management of a village or share of a village.

139 If, owing to disputes among the sharers or for other

he may cause the village or share of a village to be attached and taken under the management of himself or any agent whom he appoints for that purpose

Section 155 to apply
Disposal of surplus profits

The provisions of section 155 shall apply to any village or share of a village so attached, and all surplus profits of the land attached beyond the cost of such attachment and management including the payments of the land revenue and the cost of the introduction of a revenue survey if the same be introduced under the provisions of section 98 shall be kept in deposit for the eventual benefit of the person or persons entitled to the same or paid to the said person or persons from time to time as the Collector subject to the orders of the Resident, may direct

Precautionary measures to be required when security being furnished

140 The precautionary measures authorized by the last two sections shall be relinquished if the person primarily responsible for the payment of revenue, or any person who would be responsible for the same if default were made by the person primarily responsible shall pay the costs if any lawfully incurred by the Collector up to the time of such relinquishment and shall furnish security satisfactory to the Collector for the payment of the revenue at the time at which or in the instalment if any in which it is payable under the provisions hereinafter contained

or by way of interest, as may be authorized according to a scale to be fixed, from time to time, under the orders of the Revenue.

141 A statement of account certified by the Collector shall be conclusive evidence of the existence of the arrear, of the amount of land revenue due, and of the person who is the defaulter.

Recovery of Arrears

145 An arrear of land revenue may be recovered by the following processes —

(a) by serving a written notice of demand on the defaulter under section 147,

(b) by forfeiture of the occupancy or alienated holding in respect of which the arrear is due under section 148,

(c) by distraint and sale of the defaulter's moveable property under section 149,

(d) by sale of the defaulter's immovable property under section 150,

(e) by arrest and imprisonment of the defaulter under sections 152 and 153

(f) in the case of alienated holdings consisting of entire villages, or shares of villages by attachment of the said villages or shares of villages under sections 154 to 156

146 The said processes may be employed for the recovery of arrears of former years as well as of the current revenue year, but the preference given by section 132 shall except in cases falling under section 34, apply only to demands for the current revenue year, and the preference given by section 133 shall apply only to demands for the year in which the crop is planted or harvested :

Provided that any process commenced in the current year shall be entitled to the said preference, notwithstanding that it may not be fully executed within that year

Notice of Demand

147. A notice of demand may be issued on or after the day following that on which the arrear accrues

The Resident may, from time to time frame rules for the issue of such notices, and shall fix the costs recoverable from the defaulter as an arrear of revenue, and direct by what officer such notices shall be issued

Forfeiture of Occupancy or Alienated Holding

148. The Collector may declare the occupancy or alienated holding in respect of which an arrear of land revenue is due to be forfeited to the Crown, and sell or otherwise dispose of the same under the provisions of sections 34 and 35, and credit the proceeds, if any, to the defaulter's accounts.

Sale of Defaulter's Property

Distrain and
sale of
defaulter's
moveable
property
for whom to
be made

Sale of
defaulter's
immoveable
property

Exemption
from distraint
and sale

Arrest and
detention of
defaulter

Proviso

Duration of
defaulter's
custody

Exemption of
minor, lunatic
and female

Power to
local magistrates
exempt particular
places or
individuals

149. The Collector may also cause the defaulter's moveable property to be distrained and sold. Such distraint shall be made by such officers or class of officers as the Resident may, from time to time, direct.

150. The Collector may also cause the right, title and interest of the defaulter in any immoveable property other than the land on which the arrear is due to be sold.

151. All such property as is by the Civil Procedure Code exempted from attachment or sale in execution of a decree shall also be exempted from distraint or sale under either of the last two preceding sections.

The Collector's decision as to what property is so entitled to exemption shall be final.

Arrest and Imprisonment

152. At any time after an arrear becomes due, and after a written notice of demand under section 147 has been served without effect, if the Collector shall have reason to believe that the defaulter is wilfully withholding payment of the arrears or has been guilty of fraudulent conduct in order to evade payment, it shall be lawful for him to arrest and send the defaulter with a warrant in the form of Schedule B, for imprisonment in the civil jail.

Provided as follows —

Firstly, that no defaulter shall be detained in imprisonment for a longer period than the time limited by law in the case of the execution of a decree of a Civil Court for a debt equal in amount to the arrear of revenue due by such defaulter.

Secondly, that no minor, lunatic, idiot or female shall be liable to be arrested under this section.

Thirdly, that the Resident may, by special or general order, exempt particular places or individuals from the provisions of this section during such time as may be specified in such order, and he may from time to time cancel such order.

such village or share of a village to be attached, and taken under the management of himself or any agent or officer whom he appoints for that purpose

155 (1) The lands of any village or share of a village so attached shall revert to the Crown unaffected by the acts of the superior holder or of any of the sharers, or by any charges or liabilities subsisting against such lands or against such superior holder or sharers as are interested therein so far as the public revenue is concerned, but without any prejudice in other respects to the rights of individuals, Lands of such village to revert to Crown free of encumbrances

and the Collector or the agent or officer so appointed, shall be entitled to manage the lands attached and to receive all rents and profits accruing therefrom to the exclusion of the superior holder or any of the sharers thereof until the Collector restores the said superior holder to the management thereof Collector or agent entitled to manage the lands attached

(2) The Collector or the agent or officer so appointed shall during such management be entitled to recover under the provisions of this Chapter all such rents or profits accruing in or after the revenue year in which such attachment was effected provided that proceedings for such recovery are taken within six years from the end of the revenue year for which the said rent or profit became due Recovery of rent, etc. due during such management

156 All surplus profits of the lands attached beyond the cost of such attachment and management including the payment of the Application of surplus profits

157. The village or share of a village so attached shall be released from attachment, and the management thereof shall be restored to the superior holder on the said superior holder making an application to the Collector for that purpose at any time within twelve years from the 1st April next after the attachment if at the time that such application is made it shall appear that the arrears has been liquidated or if the said superior holder shall be willing to pay the balance if any, still due by him and shall do so within such period as the Collector may prescribe in that behalf Restoration of village so attached

The Collector shall make over to the superior holder the surplus receipts, if any, which have accrued in the year in which his application for restoration of the village or share of a village is made, after defraying all arrears and costs, but such surplus receipts, if any, of previous years shall be at the disposal of the Resident Disposal of surplus receipts

158 If no application be made for the restoration of a village or portion of a village so attached within the said period of twelve years, or if, after such application has been made, the superior holder shall fail to pay the balance, if any, still due by him within Village etc. to vest in Crown if not redeemed within twelve years.

the period prescribed by the Collector in this behalf, the said village or portion of a village shall thenceforward vest in the Crown free from all incumbrances created by the superior holder or any of the sharers or any of his or their predecessors in title or in any wise subsisting as against such superior holder or any of the sharers, but without prejudice to the rights of the actual occupants of the soil.

Stay of Proceedings

All processes
to be stayed
on security
being given.

159 Any defaulter detained in custody, or imprisoned, shall forthwith be set at liberty, and the execution of any process shall, at any time, be stayed on the defaulter's giving before the Collector or other person nominated by him for the purpose or if the defaulter is in jail before the officer in charge of such jail, security in the form of Schedule C, satisfactory to the Collector or to such other person or officer.

Or on the am
ount demanded
being paid
and protest

And any person against whom proceedings are taken under this Chapter may pay the amount claimed under protest to the officer taking such proceedings and upon such payment the proceedings shall be stayed and the person if in custody shall be forthwith set at liberty.

Procedure in respect of Sales

Process to be
effecting
sales.

160 When any sale of either moveable or immovable property is ordered under the provisions of this Chapter, the Collector shall issue a proclamation in English and in an Indian language of the intended sale specifying the time and place of sale and in the case of moveable property, whether the sale is subject to confirmation or not and, when land paying revenue to Resident is to be sold the revenue assessed upon it, together with any other particulars he may think necessary.

Proclamation
of sale

Such proclamation shall be made by beat of drum in the village in which such property is situate or was seized and in such other places as the Collector may direct.

Deposit by
purchaser in
case of sale of
immovable
property

168 In all cases of sale of immovable property, the party who is declared to be the purchaser shall be required to deposit immediately twenty five per centum on the amount of his bid and in default of such deposit, the property shall forthwith be again put up and sold

Purchase
money when
to be paid.

169. The full amount of purchase money shall be paid by the purchaser before sunset of the fifteenth day from that on which the sale of the immovable property took place or if the said fifteenth day be an authorized holiday then before sunset of the first office day after such fifteenth day

170 Notwithstanding anything contained in sections 168 and 169 the party entitled to the payment of the money for the recovery of which a sale of immovable property is held may apply to the Collector for permission to purchase such property which may be granted subject to such rules as may be prescribed by the Resident in this behalf and where a party purchases with such permission, the purchase money due by him and the amount for the recovery of which the sale is held may be set off against one another

Effect of
default.

171 In default of payment within the prescribed period of the full amount of purchase money whether of movable or immovable property the deposit after defraying thereout the expenses of the sale shall at the discretion of the Collector be forfeited to the Crown either wholly or in part and the property shall be resold, and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may be subsequently sold

List of
purchaser for
sale by resale

172 If the proceeds of the resale which is held by reason of the purchaser's default be less than the price bid by such defaulting purchaser the difference shall be recoverable from him by the Collector as an arrear of land revenue

No such sale shall take place on a general holiday recognized by the Resident nor until after the expiration of at least thirty days in the case of immovable property, or seven days in the case of moveable property from the date on which any of the said notices shall have been affixed as required by the last preceding section

The sale may, from time to time be postponed for any sufficient reason

163 Nothing in the last three sections applies to the sale of perishable article. Such articles shall be sold by auction with the least possible delay in accordance with such orders as may, from time to time be made by the Collector either generally or specially in that behalf

164 If the defaulter or any person on his behalf pay the arrears in respect of which the property is to be sold, and all other charges legally due by him at any time before the property is knocked down to the person appointed under section 141 to receive payment of the land revenue due or to the officer appointed to conduct the sale or if he furnish security under section 159, the sale shall be stayed

165 Sales of perishable articles shall be at once finally concluded by the officer conducting such a sale. All other sales of immovable property shall be finally concluded by the officer conducting such sales or shall be subject to confirmation as may be directed in orders to be made by the Collector either generally or specially in that behalf. In the case of sales made subject to confirmation, the Collector shall direct by whom such sales may be confirmed

166 When the sale of any moveable property is finally concluded by the officer conducting the same the price of every lot shall be paid for at the time of sale or as soon after as the said officer shall direct and in default of such payment the property shall forthwith be again put up and sold. On payment of the purchase money the officer holding the sale shall grant a receipt for the same and the sale shall become absolute as against all persons whomsoever

167 When the sale of any moveable property is subject to confirmation the party who is declared to be the purchaser shall be required to pay the full amount of his purchase money forthwith

and the full amount of his purchase money shall be paid by the purchaser before sunset of the day after he is informed of the sale having been confirmed or if the said day be an authorized holiday, then before sunset of the first office day after such day. On payment of such full amount of the purchase money, the purchaser shall be granted a receipt for the same and the sale shall become absolute as against all persons whomsoever.

(3) If a person applies, under section 175, to set aside the sale of immoveable property, he shall not, unless he withdraws that application, be entitled to make or prosecute an application under this section.

175 At any time within thirty days from the date of the sale of immoveable property, application may be made to the Collector to set aside the sale on the ground of some material irregularity, or mistake, or fraud in publishing or conducting it, but, except as is otherwise provided in the next following section, no sale shall be set aside on the ground of any such irregularity or mistake, unless the applicant proves to the satisfaction of the Collector that he has sustained substantial injury by reason thereof.

If the application be allowed, the Collector shall set aside the sale and direct a fresh one

Provided that, if he shall have reason to think that the sale

reasons in writing and on such conditions as he may deem proper concerning the payment of interest on the money deposited or other compensation, set aside the sale

177. Whenever the sale of any property is not confirmed or is set aside, the purchaser shall be entitled to receive back his deposit or his purchase money as the case may be

178. After a sale of any occupancy or alienated holding has been confirmed in manner aforesaid, the Collector shall put the person declared to be the purchaser into possession of the land included in such occupancy or alienated holding and shall cause his name to be entered in the register in lieu of that effect that which the

Collector shall

179 Where any lawful purchaser of immoveable property sold under section 150 or by the operation of section 185 is resisted or obstructed by any person in obtaining possession of the property, compensation or such resistance or obstruction. Such

Court shall proceed to investigate the matter as if the property were purchased by the applicant at a sale held by that Court

Bar of suit
against
certified
purchaser

180 The certificate shall state the name of the person declared at the time of sale to be the actual purchaser, and any suit brought in a Civil Court against the certified purchaser on the ground that the purchase was made on behalf of another person not the certified purchaser though by agreement the name of the certified purchaser was used shall be dismissed

Application of
proceeds of
sale

181 When any sale of moveable property under this Chapter has become absolute and when any sale of immoveable property has been confirmed the proceeds of the sale shall be applied to defraying the expenses of the sale and to the payment of any arrears due by the defaulter at the date of the confirmation of such sale and recoverable as an arrear of land revenue

and the surplus if any shall be paid to the person whose property has been sold

Expense of
sale how
calculated

The expense of the sale shall be estimated at such rates and according to such rules as may from time to time be sanctioned by the Resident

Surplus not to
be paid to
creditors
except under
order of court.

182 The said surplus shall not except under an order of a Civil Court be payable to any creditor of the person whose property has been sold

Liability of
purchaser for
revenue.

183 The person named in the certificate of title as purchaser of any land shall be liable for all impositions of land revenue becoming due in respect of such land subsequently to the date of sale

Claims to
attached
moveable
property how
to be disposed
of

184 If any claim shall be set up by a third person to moveable property attached under the provisions of this Chapter the Collector shall admit or reject his claim on a summary inquiry held after reasonable notice. If the claim be admitted wholly or partly the property shall be dealt with accordingly. Except in so far as it is admitted the property shall be sold and the title of the purchaser shall be good for all purposes and the proceeds shall be disposable

whatsoever, and all specific pecuniary penalties to which any such contractor renders himself liable under the terms of his agreement,

and all sums due from a tenant in an alienated village as contribution, in respect of any irrigation work and for a contract which provides that they shall be recoverable as arrears of land revenue,

and also all sums declared by this Law or by any other law at the time being in force to be leviable as assessment or as a revenue demand or as an arrear of land revenue

shall be levied under the foregoing provisions of this Chapter

And in the event of the resumption of any such farm as is aforesaid no person shall be entitled to credit for any payment which he may have made to the contractor in anticipation.

On resumption of farm no payment to contractor in advance to be admitted.

186 The Resident may from time to time, prescribe rules as to advances to be made to the holders of arable land for the relief of distress the purchase of seed or cattle or any other purpose not specified in the Land Improvement Loans Act 1883 (XIX of 1883), but connected with agricultural objects

Power of Resident to make rules as to advances made.

Every such advance shall when it becomes due be recoverable with the interest if any, accrued due thereon from the person to whom such advance was made or from any person who had become surety for the repayment thereof as if it were an arrear of land revenue due by the person to whom the advance was made or by his surety

CHAPTER XII

PROCEDURE OF REVENUE OFFICERS

188 (1) Every revenue officer not lower in rank than the Power to summon persons and examine

to be examined as a party, or to give evidence as a witness or to produce documents for the purposes of any inquiry which such officer is legally empowered to make

A summons to produce documents may be for the production of certain specified documents or for the production of all documents of a certain description in the possession of the person summoned

(2) Any person so summoned shall be bound to attend either in person or by an authorised agent as directed in the summons and when the summons directs the production of documents or things to cause its production

Any person summoned merely to produce a document or other thing shall be deemed to have complied with the summons by causing the production of such document or thing instead of attending personally to produce the same.

(3) And all persons summoned to attend shall be bound to state the truth upon any subject respecting which they are examined or make statements and to produce such documents and other things as may be required

189 When the person whose evidence may be required is unable from sickness or infirmity to attend before the officer issuing the summons or is a person whom, by reason of rank or sex it may be proper to summon the officer issuing the summons may of

purpose

190 Every summons shall be in writing in duplicate, and shall

is required for the purpose of giving evidence or to produce a document or for both purposes

It shall be served by tendering or delivering a copy of it to the person summoned or, if he cannot be found by leaving a copy of it with some adult member of his family residing with him or by affixing a copy of it to some conspicuous part of his usual residence

191 Every notice under this Law, unless it is otherwise expressly provided, shall be served either by tendering or delivering a copy thereof to the person on whom it is to be served or to his agent, if he have any, or by affixing a copy thereof to some conspicuous place on the land, if any, to which such notice refers

No such notice shall be deemed void on account of any error in the name or designation of any person referred to therein unless when such error has produced substantial injustice

It may be examined on commission under certain circumstances

Summons to be in writing signed and sealed

How it be served

Mode of serving notice

whatsoever, and all specific pecuniary penalties to which any such contractor renders himself liable under the terms of his agreement,

and all sums due from a tenant in an alienated village as contribution in respect of any irrigation work under a contract which provides that they shall be recoverable as arrears of land revenue.

and all claims charged by this Law or by any other law at the time being in force to be liable as a cess or tax, or as a revenue demand or as an arrear of land revenue

shall be held under the foregoing provisions of this Chapter

And in the event of the resumption of any such farm as is
 therefore no person shall be entitled to credit for any payment which
 he may have made to the contractor in anticipation

*On resump-
 tion of farm
 no payment
 to contracto-
 r on a balance to*

On resump-
tion of fur-
ture payment
to contract &
in a franchise to
be a few test.
Power of
Law sent to
make rules as
to a franchise
made

186 The Resident may from time to time prescribe rules as to advances to be made to the holders of arable land for the relief of distress the purchase of seed or cattle or any other purpose not specified in the Land Improvement Loans Act 1883 (XX of 1883), but connected with agricultural objects

Every such advance shall when it becomes due be recoverable with the interest, if any, accrued due thereon from the person to whom such advance was made or from any person who had become surety for the repayment thereof as if it were an arrear of land revenue due by the person to whom the advance was made or by his surety.

CHAPTER XII

PROCEDURE OF REVENUE OFFICERS

188 (1) Every revenue officer not lower in rank than the Sheristidar of the Collector's Office, or an Assistant Superintendent of Survey in their respective departments shall have power to summon any person whose attendance he considers necessary either to be examined as a party, or to give evidence as a witness or to produce documents for the purposes of any inquiry which such officer is legally empowered to make

Power to sum
mon persons
to give a
deed and
produce docu-
ments

A summons to produce documents may be for the production of certain specified documents or for the production of all documents of a certain description in the possession of the person summoned.

(2) Any person so summoned shall be bound to attend either in person or by an authorised agent as directed in the summons and when the summons directs the production of a document or things, to cause its production

Power to call for and examine the records and proceedings of subordinate officers.

And to pass orders thereupon.

Rules as to decisions on orders or proceedings already made final.

209 The Resident and the Collector or a Superintendent of Surveys, in their respective departments may call for and examine the record of any inquiry or the proceedings of any revenue officer subordinate to him for the purpose of satisfying himself as to the legality or propriety of any decision or order passed, and as to the regularity of the proceedings of such officer.

If in any case, it shall appear to the Resident or to such officer as aforesaid that any decision or order or proceedings so called for should be modified, annulled or reversed, the Resident or such officer may pass such order thereon as it or he deems fit.

210 Whenever in this Law it is declared that a decision or order shall be final such expression shall be deemed to mean that no appeal lies from such decision or order.

The Resident alone shall be competent to modify, annul or reverse any such decision or order under the provisions of the last preceding section.

CHAPTER XIV

REVENUE JURISDICTION

Interpretation clause

211 In this chapter, unless there be something repugnant in the subject or context —

"Land"

"land" includes the sites of villages, towns and cities; it also includes trees, growing crops and grass, fruit upon and juice in trees, rights of way, ferries and fisheries.

"Land Revenue"

"land revenue" means all sums and payments in money or in kind received or claimable by, or on behalf of, the Resident, from any person on account of land held by, or vested in, him and any cess or rate authorized by the Resident under the provisions of any law for the time being in force.

Saving of provisions of Pensions Act.

212 Nothing in this Chapter shall affect any of the provisions of Act XXIII of 1871 (the Pensions Act)

Bar of certain suits.

213 Subject to the exceptions hereinafter appearing, and except as hereinbefore expressly provided, no Civil Court shall exercise jurisdiction as to any of the following matters —

(a) claims against the Crown relating to any property, appertaining to the office of any hereditary officer appointed or recognized by the Resident or of any other village officer or servant, or

claims to perform the duties of any such officer or servant or in respect of any injury caused by exclusion from such office or service, or

suits to set aside or avoid any order relating to such office or service or such officer or servant, which may be passed by the Resident, or any officer duly authorised in that behalf, or

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existing in favour of an individual or of any class of persons, or expressly confirming such an exemption on the ground of its being shown in a public record, or of its having existed for a specified term of years, or

(i) any written grant from the Resident expressly creating or confirming such exemption,

such claim shall be cognizable in the Civil Courts.

Illustrations to (h)

(1) It is enacted that when a specific limit to assessment has been established and preserved the assessment shall not exceed such specific limit. A is the owner of land worth Rs 100 for assessment. He claims to be assessed at Rs 50 only on the strength of a course of dealing with him and his predecessors under which his land has not been more highly assessed. There is no exemption not before existing created by enactment, and A's claim is not cognizable in a Civil Court.

(2) It is enacted that land revenue shall not be leviable from any land held and entered in the land register as exempt. A claims exemption alleging that his land is shown in the maps to be exempt. A's claim is cognizable in a Civil Court.

(3) It is enacted that Collector shall confirm existing exemptions of all lands shown in certain maps to be exempt. A claims exemption alleging that his land is shown in the maps to be exempt. A's claim is cognizable in a Civil Court.

(4) It is enacted that no exemption shall be granted unless it is shown that the land is shown in the maps to be exempt. A claims exemption alleging that his land is shown in the maps to be exempt. A's claim is cognizable in a Civil Court.

(5) It is enacted that, in the event of the proprietary right in land, the property of the Crown, being transferred to individuals, they shall be permitted to hold the lands for ever at the assessment at which they are transferred. The proprietary right in certain lands is transferred to A at an assessment of Rs 100. An exemption from higher assessment not before existing is expressly created in favour of A by the enactment, and he may seek relief in the Civil

Reference of
suits against
the Crown to
District Judge.

219 No Munsiff or Commissioner shall receive or register a suit in which the Crown or any servant of the Crown in his official capacity is a party. In every such case, such Munsiff or Court shall refer the plaintiff to the District Judge in whose Court alone such suit shall be instituted.

Privilege in
suits against
the Crown de-
fended by it.

220 Whenever any suit is brought in the District Court against the Crown or against any revenue officer, and the Crown undertakes the defence thereof it shall be lawful for the Resident to require that the trial of any such suit shall have precedence over the trial of any other suit or other civil proceeding then pending in such Court and the Court shall give effect to every such requirement.

The privilege conferred on the Resident by this section shall *mutatis mutandis* apply to any appeal or second appeal against any decree in any such suit as is described in this section.

CHAPTER XV

MISCELLANEOUS

Applicability
to *kajin gulla*
villages of
provisions
relating to
alienated
villages.

221 All the provisions of the Law relating to alienated villages shall apply to *kajin gulla* villages i.e., villages held on an assignment permanently fixed.

Maps and
land registers
and village
accounts etc.,
open to in-
spection.

222 Subject to such rules and the payment of such fees as the Resident may from time to time prescribe in this behalf, all maps and survey records and all village accounts and land registers shall be open to the inspection of the public at reasonable hours and certified extracts from such maps registers and accounts, or certified copies thereof, shall be given to all persons applying for the same.

223 The Resident may from time to time make, and from time to time, vary or rescind, rules or orders not inconsistent with this Law—

Power of
Resident to
frame rules.

(a) for the disposal of unoccupied lands vesting in the Crown under section 20,

(b) for the disposal of trees not the property of the occupant, under section 25,

(c) prescribing the purposes to which land liable to the payment of land revenue may be appropriated under section 24,

(d) regulating the system and manner of assessing land to the Land revenue under sections 30 and 31;

(e) for the disposal of forfeited occupancies or alienated holdings under section 31 and of relinquished holdings under section 49,

(f) regulating the grant of permission to occupy unoccupied land under section 33.

claim payment or recovery, been satisfied, in whole or in part, or that the plaintiff or the person whom he represents, is not the person liable for such amount,

(b) suits between private parties for the purpose of establishing any private right although it may be effected by any entry in any record of a revenue survey or settlement, or in any village papers,

(c) suits between superior holders and inferior holders relating to matters not otherwise expressly provided for by this Law

And nothing in clause (g) of the preceding section shall be held to prevent the Civil Courts from entertaining suits, other than suits against the Crown for possession of any land being a whole survey number or a recognized share of a survey number

215 Revenue officers shall not be liable to be sued for damages in any Civil Court for any act *bona fide* done or ordered to be done by them as such, in pursuance of the provisions of any law for the time being in force Bar of certain suits against revenue officers

If any revenue officer absconds or does not attend when called on by his official superior and if the Collector proceeds against him or his sureties for public money, papers or property, according to the provisions of this Law or of any law for the time being in force the Collector shall not be liable to pay damages or costs in any suit brought against him by such officer or sureties although it appears that a part only or no part whatever, of the sum demanded was due from the officer so absconding or failing to attend or that he was not in possession of the papers or property demanded of him

216 Nothing in any law for the time being in force which authorizes the punishment departmentally of any revenue officer for any offence or breach of duty, or which sanctions his prosecution criminally for such offence or breach shall be held to bar any remedy which may be had in the Civil Court against such officer Punishment or prosecution of revenue officer no bar to civil remedies

217 No Civil Court shall entertain any suit against the Crown on account of any act or omission of any revenue officer unless the plaintiff first proves that previously to bringing his suit he has presented all such appeals allowed by the law for the time being in force as within the period of limitation allowed for bringing such suit it was possible to present So as not to be entertained unless plaintiff has exhausted right of appeal

218 If in any suit instituted or in any appeal presented in a Civil Court the Judge doubts whether he is precluded by this Chapter from taking cognizance of the suit or appeal, he may refer the matter to the Resident's Court Power of Civil Judge to refer questions of jurisdiction to High Court

The Resident's Court may order the Judge making the reference either to proceed with the case or to return the plaint

The order of the Resident's Court on any such reference shall be final.

(g) fixing the maximum amount of fine leviable under section 39 when land, which has been unauthorizedly occupied, is appropriated to any non agricultural purpose,

(h) for the administration of any survey settlement,

(i) for the disposal of building sites under section 113,

(j) regulating the division of survey numbers into sub divisions and the fixing of the assessment of sub-divisions;

(l) regulating the construction, laying out maintenance and repair of boundary marks;

(l) regulating the compilation, maintenance and revision of the record of rights and the register of mutations, disputed cases and tenancies, and prescribing the forms in which they are to be compiled and the officers by whom the said records and registers are to be tested and revised,

(m) regulating the exercise by officers appointed in this behalf and revenue officers of the powers of a survey officer and the assessment of costs and expenses under section 126,

(n) prescribing the mode form and manner in which appeals under Chapter XIII of this Law shall be drawn up and presented,

(o) prescribing the records, accounts, maps and plans to be maintained for the purposes of this Law and the manner and forms in which they shall be prepared and maintained, and

(p) generally for the guidance of all persons in matters connected with the enforcement of this Law, or in cases not expressly provided for therein

Rules or orders made under any of the above clauses may be made either generally or in any particular instance

224 All general rules or orders made by the Resident under the last preceding section shall be published and when published shall, until cancelled or amended, have the force of law Certain rules to be published.

225 It shall be lawful for the Resident, in making any such general rule, to attach to the breach of it in addition to any other consequences which would ensue from such breach a punishment on conviction before a Magistrate, not exceeding one month's imprisonment of either description within the meaning of the Indian Penal Code, or five hundred rupees fine, or both Power to provide for penalties

226 The Resident may, by notification in the Mysore Residency Orders, direct that any authority appointed or constituted by the Government of Mysore under the Mysore Land Revenue Code or the Mysore Land Record of Rights Act for the time being in force in the Mysore State may exercise the powers or perform the duties in respect of the Civil and Military Station of Bangalore exercised or performed by it in the Mysore State under the said Acts or rules framed thereunder, and such powers or duties shall be deemed to have been exercised or performed under this Law.

Occupants in
alienated or
layimgutta
villages.

227 When a survey settlement has been introduced under the provisions of any law for the time being in force into an alienated or *layimgutta* village the holders of all lands to which such settlement extends shall have the same rights and be affected by the same responsibilities in respect of the lands in their occupation as occupants in unalienated villages have or are affected by under the provisions of this Law and all the provisions of this Law, relating to occupants and registered occupants shall be applicable, so far as may be to them

Construction
of this Law

228 Nothing in this Law which applies in terms to unalienated land or to the holders of unalienated land only shall be deemed to affect alienated land or the rights of holders of alienated land or of the Crown in respect of any such land and no presumption shall be deemed to arise either in favour, or to the prejudice, of any holder of alienated land from any provision of this Law in terms relating to unalienated land only

Saving of
power of
Crown Representative
to levy
taxes
or rates

229 Nothing in this Law shall be deemed to affect the power of the Crown Representative to direct by law the levy of any tax, cess or rate on all lands under whatever title they may be held.

SCHEDULE A

FORM OF BOND TO BE REQUIRED UNDER SECTION 12

Whereas I inhabitant of , have been
appointed to the office of and have been called upon to
furnish security under the provisions of section 12 of the Civil and Military
Station of Bangalore Land Revenue Law, 19 for the due discharge of the
trust of the said office or of any other office to which I may be hereafter
appointed and for the due account of all moneys, papers and other property
which shall come into my possession or control by reason of any such office I
hereby bind myself to pay to the Resident the amount of any loss or defalcation
in my accounts and to deliver up any papers or other property within such
time and to such person as shall be demanded by the person at the head of
the office to which I belong such demand to be in writing and to be left at
my office or place of residence and in case of my making default therein I
bind myself to forfeit to the Crown the sum of Rupees

Dated

(Signature)

FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE PRINCIPAL

We hereby declare ourselves sureties for the above-
said that he shall do and perform all that he has above
undertaken to do and perform and in case of his making default therein we
hereby bind ourselves to forfeit to the Crown such sum as shall be deemed
sufficient by the to cover any loss or damage which
the Government may sustain by reason of such default.

Dated

(Signature)

SCHEDULE D

(See Section 53)

I—FORM OF NOTICE TO BE GIVEN BY LANDLORD TO TENANT TO QUIT.
To

A B.,

I do hereby give you notice that I do intend to enter upon and take possession of the land *(here give the description)* which you now hold as tenant under me, and you are therefore required to quit and deliver up possession of the same at the end of this current year terminating on the
of 19

Dated this day of 19 .

(Signed) C D

II—FORM OF NOTICE TO BE GIVEN BY TENANT TO LANDLORD OF HIS INTENTION TO QUIT.

To

C D

I do hereby give you notice that I shall quit and deliver up to you at the end of this current year, terminating on the of 19 .
the land *(here give description)* which I hold from you.

Dated this day of 19 .

(Signed) A B.

SCHEDULE E.

FORM OF COMMISSION TO BE ISSUED TO A HOLDER OF ALIPHATED LANDS OR ALIPHATED OR KAYANGUTTA VILLAGES OR HIS AGENT UNDER SECTION 77.

(Seal)

The Resident, by virtue of the power vested in him by the Civil and Military Station of Bangalore Land Revenue Law, 19 ., is pleased to confer on you *(Jagirdhar, etc., or agent, etc., as the case may be)* power to in
(or in respect of) the villages and lands specified in this commission, in the manner prescribed in section 77 of the said Law.

The villages and lands over which the power thus conferred upon you extends are as follows.

(Here enter the description)

The within delegated power is vested in you during the pleasure and subject to the recall of the Resident

(Signed)

SCHEDULE B

FORM OF WARRANT TO BE ISSUED BY THE COLLECTOR UNDER SECTION 14 OR 152.

(Seal)

To

The Officer in Charge of the Civil Jail at

Whereas *A B* of _____ was on the _____ day of _____ 19____, ordered by _____ to (*here state the substance of the demand made*), and whereas the said *A B* has neglected to comply with the said order, and it has therefore been directed, under the provisions of Section 14 or 152 of the Civil and Military Station of Bangalore Land Revenue Law, that he be imprisoned in the Civil Jail until he obeyed the said order or until he obtained his discharge under the provisions of section 14 or 17 (*or section 152 or 159, as the case may be*) of the said Law, you are hereby required to receive the said *A B* into the Jail under your charge and to carry the aforesaid order into execution according to law

Dated this _____ day of _____ 19 .

(Signature)

SCHEDULE C.

FORM OF BOND TO BE REQUIRED UNDER SECTIONS 17, 80 OR 159

Whereas I, _____ have been ordered by _____ to (*here state the nature of the demand*) _____ and whereas I dispute the right of the said _____ to make the said order, I hereby bind myself to file a suit within fifteen days from the date of this bond in the District Court of _____ to contest the justice of the demand, and do agree that, in the event of a decree being passed against me, I will fulfil the same and will pay all amounts, including costs and interests, that may be due by me, or that if I fail to institute a suit as aforesaid, I will, when required, pay the abovementioned amount of _____ Rupees (*or will deliver up the abovementioned papers or property, as the case may be*) and in the case of my making default therein, I hereby bind myself to forfeit to the Crown the sum of _____ Rupees

Dated _____ (Signature)

FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE PRINCIPAL

We _____ hereby declare ourselves securities for the above-said _____ that he shall do and perform all that he has above undertaken to do and perform, and in case of his making default therein we hereby bind ourselves to forfeit to the Crown the sum of _____ Rupees

Dated _____ (Signature).

SCHEDULE F

(See Section 119)

FORM OF SANAD FOR BUILDING SITES

(Seal)

THE RESIDENT IN MYSORE

To

Whereas the Resident with a view to the settlement of the land revenue and the record and preservation of proprietary and other rights connected with the soil has under the provisions of the Civil and Military Station of Bangalore Land Revenue Law 19 directed a survey of the lands within the—of—and ordered the necessary inquiries connected therewith to be made this Sanad is issued under section 119 of the said Law to the effect that—

There is a certain plot of ground occupied by you in the division of the of register No in the map marked sheet No and facing towards the the road leading from to containing about square yards and of the following shape and about the following dimensions—

You are hereby confirmed in the occupancy of the above described ground exempt from all land revenue (or subject to the payment of Rs per annum to the land revenue)

The terms of your tenure are such that your occupancy is both transferable and heritable and will be continued by the British Government without any objection or question as to title to whosoever shall from time to time be its lawful holder (subject only to the condition of the payment annually of the above land revenue according to the provisions of the Civil and Military Station of Bangalore Land Revenue Law 19, or of any other law for the time being in force and to the liability to have the said rate of assessment revised at the expiration of a term of years reckoned from the and thereafter at successive periods of years in perpetuity and to the necessity for compliance with the provisions of the law from time to time in force as to the time and manner of payment of the said assessment and to the liability of forfeiture of the said occupancy and of all rights and interest connected therewith in case on your failure to pay the said assessment as required by law)

SCHEDULE G

FORM OF WARRANT TO BE ISSUED BY THE DEPUTY COMMISSIONER UNDER SECTION 201

(Seal)

To

The officer in charge of the Civil Jail at

Whereas A B of has resisted (or obstructed) C D in removing E F (or himself, that is the said A B) from certain land in the village

of in the Civil and Military Station of Bangalore and whereas it is necessary, in order to prevent the continuance of such obstructions (or resistance) to commit the said A B to the custody of the Jail Officer under the provisions of section 201 of the Civil and Military Station of Bangalore Land Revenue Law 19 to receive the said A B into the Jail under your charge, and there to keep him in safe custody for days

Dated this day of 193

(Signature)

[Gazette of India 1940 Pt. I A. p. 134]

No 98.

Page 213—In Notification No 3541 I B dated the 15th November 1920, in paragraph 6 for the words presided over by a District Munsiff to be appointed by the Resident in Mysore substitute the words "consisting of a District Munsiff and such other persons if any as the Resident in Mysore may appoint as Additional Munsiff"

[Notification No 161 E dated the 5th July 1940—Gazette of India 1940 Pt. I A., p. 133]

No 99

Page 239 In Notification No 92 dated the 15th October 1925 after "the Indian Air Force Act 1932 (XIV of 1932) in or any person being a Government servant (including those in civil employ)

[Notification No 159 dated the 1st December 1940—Mysore Residency Orders dated the 16th December 1940]

No 100

Page 285—In the Bangalore Arms Rules 1924, published with Notification No 260 G, dated the 31st May 1924—

I In the proviso to sub rule (I) of rule 7, and in clause (v) of the proviso to rule 12, for the words and figures 'revolvers of 38 bore', substitute the words and figures 'of 38 bore'

II In the Table set forth in Schedule I in clause (d) in the second column against item 2 for the words and figures 'revolvers of 38 bore', substitute the words and figures "of 38 bore"

[Notification No 203 G dated the 9th August 1940—Gazette of India, 1940 Pt. I A., p. 109]

No 101.

Page 680—Id id at the end —

No 181 I B, dated the 31st July 1940—In exercise of the powers conferred by sub section (3) of section 8 of the Privileges of the Public Act 1932 (XIV of 1932), as applied to the Civil and Military Station of Bangalore the Crown Representative is pleased to add to the Schedule to the said Act the name of the following public institution, namely —

"The Indian Institute of Science Bangalore"

[Gazette of India, 1940 Pt. I A., p. 11]

7 In column 4 of Schedule I against Article 2, for the words "Chief Inspector or an Inspector of Explosives duly authorised by the Chief Inspector", the words "Resident or an officer appointed by him" shall be substituted.

8 All references in the said Rules to the Central Government shall be construed as references to the Crown Representative.

[Notification No. 239 I B dated the 5th September 1910 (*Gazette of India*, 1910, Pt I A, p. 120)]

No 103

Page 680—In Notification No. 155 I B dated the 18th May 1939, in the Schedule for paragraph 7 substitute the following paragraphs:—

"7 In rule 115—

(a) to sub rule (1) the following proviso shall be added, namely:—

'Provided that where the licensing authority is the Resident or an officer appointed by him in this behalf no licence shall be granted save on the recommendation of the Chief Inspector';

(b) in sub rule (3) for the words "Chief Inspector or an Inspector of Explosives", the words "Resident or an officer appointed by him in this behalf" shall be substituted and

(c) in sub rules (3), (4) and (5) for the words "Chief Inspector or the Inspector of Explosives", the words "Resident or the officer appointed by him in this behalf" shall be substituted.

8 In the proviso to sub rule (1) of rule 119, for the words "an Inspector of Explosives duly authorised by the Chief Inspector" the words "the Resident or an officer appointed by him" shall be substituted.

9 For sub rule (1) of rule 122, the following sub rule shall be substituted, namely:—

"(1) An appeal shall lie against any order refusing to grant, amend or renew a licence or cancelling a licence—

(i) to the Crown Representative when the order is passed by the Chief Inspector or by the Resident, and

(ii) to the Resident if the order is passed by the District Authority or by an officer appointed by the Resident."

No 185 I B dated the 31st July 1940 —In exercise of the powers conferred by sub section (2) of section 8 of the Provident Funds Act, 1925 (XIX of 1925), as applied to the Civil and Military Station of Bangalore, the Crown Representative is pleased to direct that the provisions of the said Act shall apply to the Provident Fund established for the benefit of the employees of the Indian Institute of Science, Bangalore

[*Gazette of India 1940 Pt I A, p 101*]

No 260 I B dated the 3rd October 1940 —In exercise of the powers conferred by section 12 of the National Service (European British Subjects) Act 1940 (XVIII of 1940) as applied to the Civil and Military Station of Bangalore and of all other powers enabling him in that behalf, the Crown Representative is pleased to apply to the British Subjects) Rules 1940 in so far as they relate to the National Service in India to any amendments to which they may be subject

[*Gazette of India 1940 Pt I A, p 189*]

No 359 I B dated the 12th December 1940 —In exercise of the powers conferred by sub section (1) of section 2 of the Indian Census Act, 1939 (XXIV of 1939) as applied to the Civil and Military Station of Bangalore and the railway lands in the Mysore State over which jurisdiction has been ceded to the Crown Representative the Crown Representative is pleased to appoint the Superintendent of Census Operations Madras, and the Census Superintendent of the Mysore State to be the Superintendents of Census Operations for the said Station and the said railway lands respectively

[*Gazette of India 1940 Pt I A, p 239*]

No 102

Page 680 —In Notification No 157 I B, dated the 18th May 1939, in the Schedule for paragraph 4, substitute the following paragraphs —

‘ 4 To sub rule (1) of rule 39, the following proviso shall be added, namely —

‘ Provided that where the licensing authority is the Resident or an officer appointed by him in this behalf no licence shall be granted save on the recommendation of the Chief Inspector ’

5 In the proviso to sub rule (1) of rule 43, for the words “ an Inspector of Explosives duly authorised by the Chief Inspector ”, the words “ the Resident or an officer appointed by him ” shall be substituted

6 In sub rule (1) of rule 46 the following sub rule shall be substituted, namely —

‘ (1) An appeal shall lie against any order refusing to grant, amend or renew a licence or cancelling a licence—

(i) to the Crown Representative when the order is passed by the Chief Inspector or by the District, and

(ii) to the Resident if the order is passed by the District Authority or by an officer appointed by the Resident ”.

No. 104.

Page 820 —In Notification No 21, dated the 30th September 1925, for the first paragraph of rule 6, substitute the following paragraph —

" Gazettes records books and papers to be destroyed under rule 5, may, in case the presiding officer of the Court so directs, be sold as waste paper after being well torn up to his satisfaction. In all other cases they shall be burnt in the presence of the record keeper "

[Notification No 149 dated the 20th November 1940 —Mysore Residency Orders, dated the 2nd December, 1940]

No. 105.

Page 830 —In Notification No 13, dated the 25th July 1907, for rule 6 substitute the following rule —

" 6 Records, books and papers to be destroyed under rule 5, may, in case the presiding officer of the Court so directs, be sold as waste paper after being well torn up to his satisfaction. In all other cases they shall be burnt in the presence of the record keeper "

[Notification No 150 dated the 20th November 1940 —Mysore Residency Orders, dated the 2nd December 1940]

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No 166

Page 25—In Notification No 178 I B dated the 19th August 1937, in the Schedule after the entry 28 The Registration of Foreigners Act, 1939 (XVI of 1939)", insert the following entry —

"29 The Indian Census Act 1939 (XXIV of 1939) Omit sub section (2) of section 1."

[Notification No 308 I B dated the 12th December 1940—Gazette of India, 1940, Pt I A, p 239]

No 167

Page 27—Add at the end —

No 210 I B dated the 21st August 1940—In exercise of the powers con-

1941] to the British Reserve in Manipur, subject to any amendments, to which the said Act is for the time being subject in the Province of Assam and to the modifications specified in the Schedule hereto annexed

Provided that for the purpose of facilitating the application of the said Act, any court or authority may construe the provisions thereof with such alterations not affecting the substance as may be necessary or proper to adapt them to the matter before that court or authority

Schedule

1 References to the Provincial Government and to the Deputy Commissioner shall be read as referring to the Governor of Assam and to the Political Agent in Manipur respectively

2 The following shall be omitted —
Sub sections (2) and (3) of section 1,
Clause (a) of section 2,

The words "of the district in which his place of business is situate or to any officer of the Excise or Revenue Department specially empowered by the Provincial Government in this behalf in such district" and the words "or officer" in sub section (1) of section 5,

The words "or, subject to the orders of the Provincial Government, the Excise Commissioner" and the words "or the Excise Commissioner, as the case may be," in section 9.

The words "of the Excise or Revenue Department" in sub section (1) of section 10 in section 11 and in sub section (1) of section 15.

Section 14,

Enacted by Notification No 225 I B, dated the 4th December 1940, Gazette of India, 1940, Pt I A, p 232.

Clause (a) of sub section 1, and the words " or the Excise Commissioner " in sub section (3) of section 25 ,

Sub section (3) of section 26

[*Gazette of India* 1940, Pt I A, p 109]

No. 168

Page 40 —Add at the end —

No 353 I B dated the 9th December 1940 —In pursuance of the provisions of section 79 of the Indian Evidence Act 1872 (I of 1872), the Crown Representative is pleased to authorise the Chief Justice Khas Adalat, Tripura State, to certify documents for the purposes of the said section

[*Gazette of India* 1940 Pt I A, p 233]

No 169

Page 46 —Before the heading "Indian Christian Marriage Act, 1872 ", insert —

No 279 I B dated the 16th October 1940 —In pursuance of the provisions of section 79 of the Indian Evidence Act 1872 (I of 1872), the Crown Representative is pleased to authorise the State Judge Mayurbhanj State and the Judicial Minister, Patna State to certify documents for the purposes of the said Section

[*Gazette of India* 1940, Pt I A p 195]

No 170

Page 49 —To the entries under the Indian Extradition Act 1903, add —

No 325 I B dated the 21st November 1940 —In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1937,

the representative is pleased to appoint the persons holding for the time being the appointments of the Assistant Political Agent of the Orissa States Agency and the Assistant Political Agent of the Chhattisgarh States Agency to exercise, for the purpose of the Indian Extradition Act, 1903 (XV of 1903), the powers of Political Agents for the States in political relations with them

[*Gazette of India*, 1940 Pt I A p 276]

No 171

Page 68 —(1) In Notification No 106 I B, dated the 25th April 1940—

(a) In the Schedule to the entries under the heading " Central Acts ", add the following entry —

" 35 The National Service (European British Subjects) Act, 1940 (XVIII of 1940)

[Notification No 26, I B, dated the 3rd October 1940 —*Gazette of India* 1940, Pt I A p 130]

(b) For the first proviso, substitute the following proviso :—

" Provided that in the said enactments as so applied,—

(i) all references to the Central Government or the Governor General, and the references to the Provincial Government in sections 401 and 402 of the Code of Criminal Procedure, 1898, shall be construed as references to the Crown Representative ;

(ii) save as aforesaid all references to the Provincial Government or the Governor of a Province shall be construed as references to the Resident for Kolhapur and the Deccan States ; and

(iii) all references to British India or any Province of British India shall be construed as references to the Wadi Jaghur ;".

[Notification No 330 I B dated the 3rd December 1910—*Gazette of India* 1910, Pt I A p 231]

(2) Cancel the entry relating to Notification No 2359 I A, dated the 19th June 1903

[Notification No 331 I B dated the 30th November 1910—*Gazette of India*, 1910 Pt I A p 231]

No 172.

Page 70—Before the heading " Indian Christian Marriage Act, 1872 ", insert —

No 181 I B, dated the 23rd July 1910—In pursuance of the provisions of section 79 of the Indian Evidence Act, 1872 (I of 1872), the Crown Representative is pleased to authorize the Sar Nyayadhish of the Vijaynagar State to certify documents for the purposes of the said section

[*Gazette of India*, 1910, Pt I A, p 90]

of the said section

[*Gazette of India*, 1910 Pt I A, p 110]

No 212 I B, dated the 1st August 1910—In pursuance of the provisions of section 79 of the Indian Evidence Act, 1872 (I of 1872), the Crown Representative is pleased to authorize the following persons to certify documents for the purposes of the said section, namely :—

The Dewan, Rajpura.

The Sar Nyayadhish (District and Sessions Judge, Rajpura)

The Dewan, Cambay.

The Dewan, Chhoti Udepur

The District and Sessions Judge, Banala

The Sar Nyayadhish and Sessions Judge, Lunawala.

The District Magistrate and Sub Judge, Sachin.

The Dewan, Sakt.

The Dewan, Balanagar

The Dewan, Jambar

[*Gazette of India*, 1910 Pt I A, p 110]

No 330 I B, dated the 28th November 1940 —In pursuance of the provisions of section 79 of the Indian Evidence Act, 1872 (I of 1872), the Crown Representative is pleased to authorize the District and Sessions Judge, Idar State, the Sar Nyayadhish, Morvi State and the Sar Nyayadhish, Rajkot State to certify documents for the purposes of the said section.

[Ga cte of India, 1940, Pt I A, p 229]

No. 173.

Page 70 —For the entry relating to Notification No. 141-I, dated the 1st April 1933, substitute —

No L/32171/17-302 (B), dated the 11th December 1940 —In exercise of the powers conferred upon the Central Government by sections 8, 9 and 56 of the Indian Christian Marriage Act, 1872 (XV of 1872), and delegated to him by the notification of the Government of India in the late Foreign and Political Department, No 142 I, dated the 1st April 1933, and in supersession of the notifications of the Government of India in the said Department, No. 251 I dated the 23rd April 1930, and No 141 I, dated the 1st April 1933, the Resident for Baroda and the Gujarat States is pleased—

- (a) to appoint the Officers holding for the time being, the posts of the Secretary and the Under Secretary to the Resident for Barods and the Gujarat States and being Christians to be Marriage Registrars in respect of all places within the limits of the States and Areas mentioned in the Schedule hereto annexed,
- (b) to license the said Officers to grant within the said limits certificates of marriage between Native Christians, and
- (c) to appoint the Registrar General of Births, Deaths and Marriages for the Province of Bombay to be the Officer to whom the certificates mentioned in section 54 of the said Act shall be sent.

SCHEDULE

Names of the States and Areas.

- 1 Balasimor
- 2 Bansda
- 3 Baria
- 4 Baroda
- 5 Cambay
- 6 Chhota Udepur.
- 7 Dharampur
- 8 Jawhar
- 9 Lunawada
- 10 Rajpipla
- 11 Sachin
- 12 Sant

13 All States and Estates in the Rewa Kantha, Surgana and the Dangs Agency

14 Baroda Cantonment

15 The Railway lands under the jurisdiction of the Resident for Baroda and the Gujarat States

[*Gazette of India*, 1940 Pt. I A., p. 242]

No 174.

Page 201—In Notification No 273 I B dated the 2nd August 1939—

I In the Schedule after the entry " 15 The Motor Vehicles Act, 1939 (IV of 1939) ", insert the following entry —

" 16 The Indian Census Act, 1939 (XXIV of 1939) ".

[Notification No 318 I B., dated the 12th November 1940—*Gazette of India*, 1940 Pt. I A. p. 221]

II (a) After the words " as the same may be applicable " insert the words " and subject to the amendments to which they are for the time being subject in British India ",

(b) In the Schedule after " 16 The Indian Census Act, 1939 (XXIV of 1939) ", insert the following entry —

" 17. The National Service (European British Subjects) Act, 1940 (XVIII of 1940) "

[Notification No 344 I B., dated the 5th December 1940—*Gazette of India*, 1940, Pt. I A., p. 234]

III In the Schedule after entry No 15, insert the following heading and entries —

• Ordinances of the Governor General

1 The National Service (European British Subjects) Amendment Ordinance, 1940 (No 1 of 1940) Unit sub-section (2) of section 1

2 The Indian Coinage (Amendment) Ordinance, 1940 (No 1 of 1940) Unit sub-section (4) of section I "

[Notification No 363 I B., dated the 12th December 1940—*Gazette of India*, 1940 Pt. I A., p. 240]

No. 175.

Page 204—In Notification No 283 I B., dated the 7th December 1938 in modification (3)—

(i) for the words " Provincial Government " substitute the words " Government or Durbar ", and

(ii) for the words " British Indian Province ", substitute the words " Province of British India or an Indian State ".

[Notification No. 283 I B., dated the 7th December 1938—*Gazette of India*, 1938 Pt. I A., p. 133.]

Page 245—Add at the end —

For application of the National Service (European British Subjects) Rules, 1940 to the Thana Circles in the Rewa Kantha Agency and the Dangs see Notification No 315 I. B., dated the 5th December, 1940, Printed in Vol. II, p 152.

No. 177.

Page 256—In the Kolhapur Residency Motor Vehicles Rules, 1933, published with Notification No 3548, dated the 26th August, 1938, in Rule 3, Fees for Licenses, substitute for the words and figures "Rs 10" and "Rs 3", respectively "Rs 5" and "Rs 1" wherever they occur in the Rule.

[Notification No J B 6/38, dated the 22nd August 1940—Gazette of India, 1940, Pt. I A, p 117]

No. 178.

Page 257—In Notification No. 147 I, dated the 1st April 1933, in Part I—

I In the Schedule to the entries under the heading "Acts of the Governor General in Council", add the following entry —

"The Indian Census Act, 1939 (XXIV of 1939) Omit sub-section (2) of section 1"

[Notification No 220 L B., dated the 22nd August 1940.—Gazette of India 1940, Pt. I A, p 110]

II. In the Schedule to the entries under the heading "Acts of the Governor General in Council", add the following entry —

"The National Service (European British Subjects) Act, 1940 (VIII of 1940) Omit sub-section (2) of section 1."

[Notification No 267 I B., dated the 3rd October 1940—Gazette of India, 1940, Pt. I A, p 190]

III In the Schedule for the entry "The Court-fees Act, 1870 (VII of 1870)", substitute the following entry —

"The Court fees Act, 1870 (VII of 1870) .. In section 35, for the words "Appropriate Government" substitute "Resident"

[Notification No 314 I B., dated the 7th November 1940.—Gazette of India, 1940, Pt. I A, p 206]

IV—In the Schedule annexed to Part I, after the entry "The Petroleum Act, 1934 (XXX of 1934)", insert the following entry —

"The Motor Vehicles Act, 1939 (IV of 1939).

(1) In section 1—

(i) omit sub section (2), and

(ii) for sub section (3), substitute—

"(3) It shall come into force on such date as the Resident may, by notification in the Gazette of India, appoint in this behalf; but Chapter VIII shall not have effect until the 1st day of July 1943 or such subsequent date as the Resident may specially appoint"

(2) In section 9—

(i) omit sub section (1), and

(ii) in sub section (2), for the words " any Indian State ", substitute " British India, in any Indian State ", and for the words " the State " substitute " British India or the State ".

(3) In section 14 the words " Central Government " wherever they occur shall stand unmodified

(4) In section 23—

(i) for sub section (1), substitute—

" (1) Subject to the provisions of section 25 and section 39, every owner of a motor vehicle who normally keeps it in the Kolhapur Residency Area shall cause it to be registered by the registering authority

(ii) in sub section (2) the words " British India " shall be read as referring to British India and the Kolhapur Residency Area

(5) In section 28—

(i) omit sub section (1) and

(ii) in sub section (2) for the words " any Indian State ", substitute " British India, in any Indian State "

(6) In sub section (1) of section 29, for the words " in one province has been kept in another province ", substitute " outside the Kolhapur Residency Area, has been kept in that Area ", and omit the words " within whose jurisdiction the vehicle then is ".

(7) In sub section (4) of section 34, the words " British India " shall be read as referring to " British India, the Kolhapur Residency Area and the Kolhapur State "

(8) In section 39 the words " Central Government " wherever they occur shall stand unmodified

(9) In section 42, for the words " Central Government " substitute " Crown Representative "

(10) For the proviso to sub section (1) of section 44, substitute—

" Provided that the Resident may abstain from constituting a Regional Transport Authority ".

(11) In section 63—

(i) for sub section (1) substitute—

" (1) Except as may be otherwise prescribed, a permit granted in British India or the Kolhapur State shall be valid in the Kolhapur Residency Area if countersigned by the Provincial Transport Authority, and

(ii) for sub section (4), substitute—

“(4) Notwithstanding anything contained in sub section (1) a temporary permit issued by a competent authority in British India under clause (a) or clause (c) of sub-section (1) of section 62 of this Act or in the Kolhapur State under provisions of law corresponding thereto will be valid in the Kolhapur Residency Area, with the concurrence, given generally or for the particular occasion, of the Provincial Transport Authority ”.

(12) For clause (i) of sub section (2) of section 68, substitute—

“(i) the conditions subject to which a permit issued by the competent authority in British India or the Kolhapur State shall be valid in the Kolhapur Residency Area , ”

(13) In sub section (4) of section 75, for the words “ any District Magistrate or Superintendent of Police ”, substitute “ The District Magistrate or the Commissioner of Police ”.

(14) Omit sub section (3) of section 133

(15) Omit sub sections (2) to (4) of section 134

(16) After section 134, insert —

“ 135 *Income and Expenditure* —The amount of any fees received and the amount of any expenses incurred in giving effect to this Act shall be credited and debited respectively to the Kolhapur Residency Area Fund ’

(17) In the Fourth Schedule, the words “ Central Government ” wherever they occur shall stand unmodified

(18) In the Sixth Schedule, for the words from “ One of the groups of letters ” to “ These letters shall be followed by ”, substitute .—

“ The registration mark for a vehicle in the Kolhapur Residency Area shall be the group of letters KRS followed by ”

[Notification No 333 I B, dated the 3rd December 1940 *Gazette of India*, 1940, Pt I A, p 231]

No. 179

Page 266 —Add at the end —

No 266 I B, dated the 3rd October 1940 —In exercise of the powers conferred by section 12 of the National Service (European British Subjects) Act, 1940 (XIII of 1940), as applied to the Wadi Jaghir, and of all other powers enabling him in that behalf, the Crown Representative is pleased to apply the National Service (European British Subjects) Rules, 1940, to the Wadi Jaghir in so far as the said Rules may be applicable, and subject to any amendments to which they are for the time being subject in the Province of Bombay.

No. 268 I B, dated the 3rd October 1940 —In exercise of the powers conferred by section 12 of the National Service (European British Subjects) Act, 1940 (XVIII of 1940), as applied to the Kolhapur Residency Area, and of all other powers enabling him in that behalf, the Crown Representative is pleased

to apply the National Service (European British Subjects) Rules, 1910, to the said Area in so far as the said Rules may be applicable, and subject to any amendments to which they are for the time being subject in the Province of Bombay

[*Gazette of India*, 1940, Pt I A p 190]

No 280 I B dated the 16th October 1940 —In exercise of the powers conferred by section 12 of the Cattle trespass Act, 1871 (I of 1871) as applied to the Wadi Jaghir, the Crown Representative is pleased to prescribe the following scale of fines for every head of cattle seized and impounded under the said Act within the limits of the Wadi Jaghir, namely —

Kind of Cattle	Fine per head	
	Rs	As
1 Elephant	1	0
2 Camel horse or buffalo	0	8
3. Cow or bull	0	6
4 Goat or sheep	0	2
5 Any other animal	0	4

[*Gazette of India* 1940, Pt I A p 190]

No 281 I B dated the 16th October 1940 —In exercise of the powers conferred by section 6 of the Cattle trespass Act 1871 (I of 1871) as applied to the Wadi Jaghir, the Crown Representative is pleased to appoint the Police Patil of every village in the said Jaghir in which a cattle pound is situate to be the *ex officio* of that pound

[*Gazette of India*, 1940, Pt I A p 195]

No 320 I B, dated the 13th November 1940 —In exercise of the powers conferred by the last item of the First Schedule to the Indian Extradition Act, 1903 (XV of 1903), as applied to Wadi Jaghir, the Crown Representative is pleased to specify all offences against the Defence of India Act 1939 (XXXV of 1939) or against the Rules made thereunder, as applied to Wadi Jaghir, to be extradition offences within the meaning of the first-named Act for all Indian States

[*Gazette of India*, 1940, Pt I A, p 221]

No 322 I B dated the 21st November 1940 —In exercise of the powers conferred by section 3 of the Indian Census Act, 1939 (XXIV of 1939) as applied to the said Area, the Crown Representative is pleased to appoint the officer named for the time being the office of the Superintendent of Census Operations Bombay Province, Satara, as the Superintendent of Census Operations for the said Area

[*Gazette of India*, 1940, Pt I A, p 225]

No. 180.

Page 276 —Add at the end —

No. 191-G, dated the 7th August 1940 —Whereas jurisdiction to make an order for the detention of any of their subjects, who are or may hereafter come within the category of criminal lunatics, has been transferred to the Crown Representative by the Rastar Dastar

VOLUME VIII

No. 347.

Page 6.—In Notification No. 19 I B, dated 1st April 1937 in the Schedule in the entries in the second column relating to "Madras and Southern Mahratta Railway", omit the entry "Mysore".

(Notification No. 310 I B, dated the 4th November 1940. *Gazette of India* 1940, Pt. I A, p. 205.)

No. 348.

Page 29.—In the Punjab States Railway Lands (Application of Law) Order, 1939, published with Notification No. 341 I B, dated the 11th September 1939—

I. In the Schedule to the entries under the heading "Acts of the Central Legislature," add the following entry—

- * 46. The Indian Census Act, 1929 (XXIV) Omit sub-section (2) of section 1 "

(Notification No. 291 I B, dated the 24th October 1940. *Gazette of India* 1940, Pt. I A, p. 193.)

II. In the Schedule under the heading "Acts of the Central Legislature" in the column headed "Modifications and restrictions" against the entry "21 The Indian Coinage Act, 1906 (III of 1906)" in modification (I), for the figures and word "3 to 10", substitute the figures and word "3 and 4".

(Notification No. 324 I B, dated 21st November 1940. *Gazette of India* 1940, Pt. I A, p. 226.)

III. In the Schedule after entry No. 46, add the following entry—

- * 47. The National Service (European British Subjects) Act, 1940 (XXIII of 1940), as amended by Ordinance No. V of 1940

(Notification No. 394 I B, dated the 5th December 1940. *Gazette of India* 1940, Pt. I A, p. 235.)

IV. In the Schedule after the heading "Acts of the Central Legislature" and the entries thereunder, insert the following heading and entries—

"Ordinances of the Governor General

1. The Payment of Wages (Amendment) Ordinance, 1940 (No. III of 1940) Omit sub-section (2) of section 1
2. The National Service (European British Subjects) Amendment Ordinance, 1940 (No. V of 1940) Omit sub-section (7) of section 1 "

(Notification No. 421 I B, dated the 12th December 1940. *Gazette of India* 1940, Pt. I A, p. 231.)

No. 349.

Page 49.—Before the heading "Indian Arms Act, 1925", insert—

No. 155 I B, dated the 3rd July 1941.—In exercise of the powers conferred by section 6 of the Sea Customs Act, 1912 (VIII of 1912) as amended by

Now therefore, in exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council 1937 and of all other powers enabling him in that behalf the Crown Representative is pleased to prescribe the following procedure for observance by the Political Agent, Chhattisgarh States in connection with the making of orders and warrants for the detention of criminal lunatics from the Bastar State in asylums in British India.

In the case of a criminal lunatic in respect of whom an order or warrant for detention in an asylum has been made or issued by a Court established under the authority of the Bastar Darbar the Political Agent may on application by the Darbar, endorse such order or warrant for execution in an asylum in British India.

[Gazette of India, 1937, Pt. I, A., p. 104.]

No. 181.

Page 311 —Before the heading "Indian Christian Marriage Act 1872", insert —

No 225-I.B. dated the 29th August 1910 —In pursuance of the provisions of section 79 of the Indian Evidence Act, 1872 (I of 1872) the Crown Representative is pleased to authorize the Registrar of the High Court of the Pampar State and the Chief Judge of the Benares State to certify documents for the purposes of the said section.

[Gazette of India, 1910, Pt. I, A., p. 115.]

Baluchistan Lease l Areas by virtue of the notification of the Political Department No 56 Fed I dated the 3rd May 1937, the Crown Representative is pleased to appoint the Station Masters of the following railway stations on the Spezand Jacobabad Section of the North Western Railway to be officers of Customs and to exercise the powers conferred, and to perform the duties imposed by the said Act on such officers namely —

1 Kolpur	9 Dingra
2 Hurok	10 Landsay
3 Mach.	11 Damboli
4 Ab i Gum	12 Bellpat
5 Peshu.	13 Nuttall
6 Panir	14 Temple Dera
7 Mushkaf	15 Jhatpat.
8 Mithri	

[Gazette of India 1940 Pt I A p 89]

No 350

Page 53—In Notification No 304 I B dated the 22nd May 1935 —

- (i) In the preamble for " 54 and 55 " substitute " 54 55 and 60 "
- (ii) In the entry No 59 omit the words " in British India or "
- (iii) After entry No 59 add the following entry —

" 60 Instruments executed in any part of British India in respect of which the stamp duty chargeable under the stamp law for the time being in force in that part has been paid in accordance with that law—Duty reduced by the amount so paid, or, if the amount so paid exceeds the duty, duty remitted "

[Notification No 249 P 39/34 dated the 19th July 1940 Gazette of India 1940 Pt I A. p 100]

No 351

Page 85—Add at the end—

For application of the National Service (European British Subjects) Rules 1910 to the Punjab States Railway Lands—see Notification No 351 I B, dated the 5th December 1910—Printed in Vol II, p 173

No 352

Page 87—In Notification No 203 I B dated the 15th June 1939—In the Schedule for the entries relating to "(2) Bombay, Baroda and Central India Railway

System" and "(3) Billimora-Waghai Railway", substitute the following entries respectively—

"(2) Bombay, Baroda and Central India Railway System—

Ahmedabad Prantik Railway—

Ahmedabad Khed Brahma	Baroda, from mile No 7 1393 to 8 1070	} Ahmedabad.
	Baroda Thana from mile No 31 1283 to 32 2278	

Ahmedabad Dhaadhuka Botad Line

	Limbdi	} Ahmedabad.
	Ankevalia	

Anand-Godhra Branch Line . . .

	Blavnagar	} Panch Mahals
	Baroda Pandu Me-	

Vasad Kathana Branch Line . . .

	Baroda . . .	Kaira.
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Patlad Cambay Railway—

Anand Cambay	Baroda . . .	} Kaira.
	Cambay . . .	

Tapti Valley Railway—

Surat-Bhadbhunga	Sachin	} Surat.
	Baroda	

Bombay, Baroda and Central India Railway Main Line—

Bombay to Palaj	Jambhar	} Thana
	Rajola	
	Sachin	

Vasad to Kharaghoda

	Baroda	} Kaira.
	Patli	

Bakrol to Dohad

	Rajola	Panch Mahals
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Godhra Lunavada Railway

	Lunavada	Panch Mahals
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Champaner Shirsajpur Light Railway

	Baroda	} Panch Mah.
	Baris	

Shirsajpur Pani Extension

	Chanta Udepur	Panch Mahals
--	---------------	--------------

(3) Billimora Waghai Railway

	Baroda . . .	} Surat.
	Baroda	

Mekhena Railway—

Mekhena Viramgam	Baroda	} Ahmedabad.
	Kataman	

IV In the Schedule to the entries under the heading "Acts of the Central Legislature", add the following entry—

"2. The Indian Coinage (Amendment) Act, 1940 (VI of 1940)

[Notification No. 335 I B., dated the 30th December 1940—*Gazette of India, 1940* VI I A., p. 233]

V In the Schedule under the heading "Acts of the Central Legislature", after the entry No. 38, insert the following entry—

"39 The National Service (European British and Indian Subjects) Act, 1940 (XVIII of 1940) as amended by Ordinance No. 4 of 1940

[Notification No. 347 I B., dated the 10th December 1940—*Gazette of India, 1940* VI I A., p. 234]

VI In the Schedule after the heading "Acts of the Central Legislature" and the entries thereunder, insert the following heading and entries—
"Ordinances of the Governor General

1 The Indian Coinage (Amendment) Ordinance, 1940 (Ordinance No. VI of 1940)

[Notification No. 368 I B., dated the 12th December 1940—*Gazette of India, 1940* VI I A., p. 240]

VII In the Schedule under the heading "Acts of the Central Legislature", after the entry "16 The Epidemic Diseases Act, 1897 (VIII of 1897)", insert the following entry—

"16 A. The Reformatory Schools Act, 1897 (VIII of 1897)—

(1) Omit sub-section (3) of section 1.

(2) For section 15, substitute—

"15. If the Government or Barbar direct that any Reformatory School British India or in an reception of youthful Reformatory School by any Court or Magistrate in the Western India States Agency and may thereupon make provision for the removal of youthful offenders accordingly."

[Notification No. 361 O., dated the 14th December 1940—*Gazette of India, 1940* VI I A., p. 243]

VIII In the Schedule under the heading "Ordinances of the Governor General", after the entry "1 The Indian Coinage (Amendment) Ordinance, 1940 (VI of 1940)", insert the following entry—

"2. The Indian Coinage (Amendment) Ordinance, 1941 (Ordinance No. VII of 1941)

[Notification No. 363 I B., dated the 14th December 1941—*Gazette of India, 1941* VI I A., p. 245]

3 Ahmedabad to Delhi (Metre Gauge)—

From Dharewala (inclusive) Mile No 471/9 10 to Mile No 527/16 17 between Kalol and Khodiar "

[Notification No 206 I B, dated the 1st August 1940 —*Gazette of India* 1940, Pt I A, p 107]

(b) In Notification No 34 I B, dated the 10th February 1939, in the Schedule under the heading "Acts of the Central Legislature", in the column headed "Modifications and Restrictions", against the entry "11 The Code of Criminal Procedure, 1898 (V of 1898)", for modifications (7), substitute the following modifications —

"(7) In sections 401 and 402, for the words "Provincial Government", wherever they occur, the words "Crown Representative" shall be substituted

(7A) Section 402A shall be omitted "

[Notification No 354-I B, dated the 10th December 1940 —*Gazette of India*, 1940, Pt I A, p 238]

No 354.

Page 119—Add at the end —

"For application of the National Service (European British Subjects) Rules, 1940, to the Railway lands in the Western India States Agency—see Notification No 351 IB, dated the 5th December 1940 —*Printed in Vol II*, p 173 "

No 355

Page 121—In Notification No 189 I B, dated the 8th September 1937 —

I In the Schedule under the heading "Acts of the Central Legislature", in the column headed "Modifications and Restrictions", in modification (2) against the entry "29 The Indian Succession Act 1925 (XXXIX of 1925)", for the word "Resident" substitute the words "Political Agent"

[Notification No 200 I B, dated the 8th August 1940.—*Gazette of India* 1940 Pt I A p 104]

II In the Schedule to the entries under the heading "Acts of the Central Legislature", add the following entry —

37 The Indian Census Act 1939 (XIV of 1939) Omit sub section (2) of section 1 "

[Notification No 293-I B, dated the 24th October 1940 —*Gazette of India* 1940 Pt I A p 155]

III In the Schedule under the heading "Acts of the Central Legislature", in the column headed "Modifications and Restrictions", in modification (4) against the entry "21 The Code of Civil Procedure, 1908 (V of 1908)", after the words "British Burma", insert the words "or the Colony of Aden"

[Notification No 299 I B, dated the 25th October 1940 —*Gazette of India*, 1940, Pt I A, p 155]

No 356.

Page 127.—In notification No 190- I.B. da'ed 8th Sep'ember 1937 :—

I In the Schedule to the entries under the heading " Acts of the Central Legislature ", add the following entry :—

" 32 The Indian Census Act, 1939 (XXIV of 1939) Omit sub section (2) of section 1 "

[Notification No 294 I B, dated the 24th October 1940 —Gazette of India, 1940, Pt I A, p 199]

II In the Schedule under the heading " Acts of the Central Legislature ", in the column headed " Modifications and Restrictions ", in modification (4) against the entry " 18 The Code of Civil Procedure, 1908 (V of 1908) ", after the words " British Burma ", insert the words " or the Colony of Aden "

[Notification No 300 I B, dated the 23th October 1940 —Gazette of India, 1940, Pt I A, p 202]

III In the Schedule to the entries under the heading " Acts of the Central Legislature ", add the following entry :—

" 33 The Indian Coinage (Amendment) Act, 1940 (VI of 1940) Omit section 2 "

[Notification No 339 I B, dated the 5th December 1940 —Gazette of India, 1940, Pt I A, p 233]

IV In the Schedule under the heading " Acts of the Central Legislature " after the entry No 33, insert the following entry —

" 34 The National Service (European British Subjects) Act 1940 (XVIII of 1940), as amended by Ordinance No V of 1940 Omit sub section (2) of section 1 "

[Notification No 348 I B, dated the 5th December 1940 —Gazette of India, Pt I A, p 235]

V In the Schedule after the heading " Acts of the Central Legislature " and the entries thereunder, insert the following heading and entry —

" Ordinances of the Governor General

1 The Indian Coinage (Amendment) Ordinance, " Omit section 2 " 1940 (Ordinance No VI of 1940)

[Notification No 367 I B, dated the 12th December 1940 —Gazette of India, 1940, Pt I A, p 240]

VI In the Schedule under the heading " Acts of the Central Legislature ", after the entry " 14 The Epidemic Diseases Act, 1897 (III of 1897) ", insert the following entry —

" 14 A The Reformatory Schools Act, 1897 (VIII of 1897)—

(1) Omit sub section (3) of section 1.

(2) For section 15, substitute—

" 15 The Resident may, after consulting the Government or Darbar concerned, by general or special order direct that any Reformatory School situated in a Province of British India or in an Indian State shall be available for the reception of youthful

offenders directed to be sent to a Reformatory School by any Court or Magistrate in the Western India States Agency and may thereupon make provision for the removal of youthful offenders accordingly "

[Notification No 370 G, dated the 14th December 1940 — *Gazette of India*, 1940 Pt I A, p 243]

VII In the C I J I "Ordinance of the Governor General" Ordinance, 1940 (VI of 1940)

after
1940) .
"2 The Indian Coinage (Seal Amendment) Omit sub section (2) of section 1" Ordinance 1940 (Ordinance No VII of 1940)

[Notification No 381 I B, dated the 19th December 1940 — *Gazette of India*, 1940 Pt I A, p 245]

No 357.

Page 131 —Add at the end —

For application of the National Service (European British Subjects) Rules, 1910 to the Railway Lands in the Guzarat States Agency see Notification No 345 I B dated the 5th December 1940 Printed in Vol II, p 152

No 358

Page 139 —In Notification No 484 I dated the 3rd October 1924 providing for the administration of justice on certain Railway lands in Kathiawar in the Schedule under the head "4—Jamnagar and Dwarka Railway", after the entries relating to "Khambhalia Salva Branch" insert the following entries seriatim in columns 1 to 12 —

"1"	2	3	4	5	6	7	8	9	10	11	12
Madmatia-Jodhya Branch.	Jamnagar and Bhrol		The Deputy District Agent, Western Kathiawar Agency	The District Agent, Western Kathiawar Agency	The Revenue Court in Kathiawar	The Judicial Commissioner in the States of Western India.	The Civil Sub-Judge, Kathiawar	The Civil Sub-Judge, Kathiawar	The Civil Sub-Judge, Kathiawar	The District Judge, Kathiawar	The Judicial Commissioner in the States of Western India.

[Notification No 234 I B, dated the 4th December 1941 — *Gazette of India*, 1941 Pt I A, p 232]

Page 149 —Add at the end —

No 18961, dated the 15th July 1940 —In exercise of the power conferred by section 35 of the Court Fees Act, 1870 (VII of 1870) as applied to the Railway Lands within the political charge of the Resident for Baroda and the Gujarat States the Resident is pleased to make in the said Railway Lands the remissions hereinafter set forth in the fees leviable under Article 11, 12 and 12 (a) of the First Schedule of the said Act, as so applied, on the property of

(i) any person subject to the (British) Naval Discipline Act, the Indian Navy (Discipline) Act, 1934 (XXXIV of 1934), the (British) Army Act, the (British) Air Force Act, the Indian Army Act, 1911 (VIII of 1911) or the Indian Air Force Act, 1932 (XIV of 1932) who is killed or dies from wounds inflicted, accidents occurring or disease contracted¹ * * * * * while on active service or on service which is of war like nature or involves the same risks as active service—

²[(ii) any Government Servant (including those in civil employ) who is killed, or dies from wounds inflicted, accidents occurring or disease contracted while on active service or on service which is of a warlike nature or involves the same risk as active service, and

(iii) any person being a Government Servant, civil or military, who dies from wounds inflicted in actual performance of his official duties or in consequences of those duties]

REMISSIONS

(a) Where the amount or value of property in respect of which the grant of probate or letters of administration is made, or which is specified in the certificate under Part X of the Indian Succession Act, 1925 (XXXIX of 1925) as applied does not exceed Rs 50,000 the whole of the fees leviable in respect of that property

(b) Where the said amount or value exceeds Rs 50,000 the whole of the said fees in respect of the first Rs 50,000

[Gazette of India, 1940 Pt. I A, p 198]

No 360.

Page 183 —In the Rajputana and Central India Railway Lands (Application of Law) Order, 1937 published with Notification No 193 I B, dated the 8th September 1937 —

I In the Schedule to the entries under the heading " Acts of the Central Legislature " add the following entry —

" The Indian Census Act 1939 (XXIV of 1939) Omit sub section (2) of section 1 " [Notification No 219 I B, dated the 22nd August 1940 —Gazette of India, 1940 Pt I A, p 110]

II In the Schedule, under the heading " Acts of the Central Legislature ", in the column headed " Modifications and Restrictions ", in modification (4) (a)

¹ The words within 3 years before death were omitted by Notification No 31138, dated the 29th November 1940 —Gazette of India, 1940, Pt I A p 242]

² Substituted, *ibid*

against the entry "28 The Code of Civil Procedure, 1908 (I of 1913)" after the words "British Burma", add the words "or the Colony of Aden"

[Notification No 303 I B, dated the 28th October 1940—*Gazette of India*, 1940, Pt I A, p. 203]

III In the Schedule after the heading "Acts of the Central Legislature" and the entries thereunder, insert the following heading and entry—

"Ordinances of the Governor General

1 The Payment of Wages (Amendment) Ordinance, 1940 (Ordinance No III of 1940) Omit sub section (2) of section 1

[Notification No 303 I B, dated the 29th October, 1940—*Gazette of India*, 1940, Pt I A, p. 203]

IV. In the Schedule (a) under the heading "Acts of the Central Legislature", after the entry "54 The Indian Census Act, 1939 (XXIV of 1939)", insert the following entry—

"54 A The Indian Coinage (Amendment) Act, 1940 (VI of 1940) Omit section 2

(b) Under the heading "Ordinances of the Governor General", after the entry "1 The Payment of Wages (Amendment) Ordinance, 1940 (Ordinance No III of 1940)", insert the following entries—

* 2 The Indian Coinage (Amendment) Ordinance, 1940 (Ordinance No VI of 1940) Omit section 2

3 The Indian Coinage (Second Amendment) Ordinance, 1940 (Ordinance No XII of 1940) Omit sub section (2) of section 1

[Notification No 383 I B, dated the 19th December 1940—*Gazette of India* 1940, Pt I A, p. 245]

No. 361.

Page 225. —In Notification No 5766, dated the 17th October, 1925—

I. (i) For the words and figures "(VII of 1911)", substitute "(VIII of 1911)".

1890) as applied to the lands lying within the Loharu State occupied by the Jaipur State Railway the Crown Representative is pleased to sanction the following rules made by the Jaipur State Railway under clauses (f) and (g) of sub-section (1) of the said section for regulating the terms and conditions on which the Railway Administration will warehouse or retain goods at any station or depot on the said Railway lying within the Loharu State on behalf of the consignee or owner and for regulating the use of rolling stock engines and trains on the said railway by the public

JAIPUR STATE RAILWAY

I.—RULES FOR THE WAREHOUSING AND RETENTION OF GOODS

Wharfage

1 Wharfage will be charged at rates not exceeding those given in the following table and will be calculated —

(1) where freight is levied on weight—upon such weight

(2) where freight is levied on the vehicle in or on which the goods are carried upon the carrying capacity of such vehicle

Commodities	Time allowed free	Commodities	Rate per maund or part of a maund per day or part of a day in excess of the free time	Remarks
1	2	3	4	5
On goods for deep storage to be consigned by consignments brought to station but consignments not received	Closing time of the day	For goods of every description	1 anna	Goods will in all cases be at owner's risk until receipt in the prescribed form has been granted duly signed by an authorised Railway servant
On goods available for delivery Consignments not removed.	From time of arrival till closing time of the day following that on which consignments are made available for delivery	For goods of every description	1 anna	The goods shall be warehoused either under cover or in the open as space may be available

2 A consignee must take delivery of goods forming part of a consignment where they are available for delivery notwithstanding that the remaining goods are short or damaged or have not arrived at their destination or are otherwise not available for delivery of such goods forming part of a consignment subject to wharfage

On Luggage and Parcels available for Delivery

3 For unclaimed luggage and parcels the following warehouse charge will be made if they are not removed from Railway premises within 48 hours from midnight of the day of arrival —

Rate per maund or part of a maund for 24 hours or part of 24 hours

Rs. A P
0 2 0

Minimum charge
Rs. A P
0 2 0

On Carriages, Motor Cars and Palanquins

4 (a) Carriages, motor cars and palanquins left on the Company's premises *awaiting removal* by consignee, will, after the expiration of 24 hours from the time they are available for delivery, be subject to a wharfage charge of Rs 2-0-0 per carriage or motor car and Re 1 0 0 per palanquin for each subsequent day or part thereof

(b) A similar charge will be levied on all carriages, motor cars, and palanquins left on the Company's premises *awaiting despatch order* from consignor after the expiration of 24 hours from the time they are brought to the station, but until a railway receipt is granted the Railway does not acknowledge any responsibility in respect to such carriages, motor cars or palanquins which must be at owner's risk

On Birds Poultry and Animals

5 For birds poultry and animals, charges may be made as follows after the expiry of 6 hours from the time they are available for delivery —

Animals —One anna per animal per hour or part of an hour

Poultry —One anna per head per hour or part of an hour

Birds in baskets or crates etc —One anna per cubic foot or part of a cubic foot per hour or part of an hour

These charges shall be in addition to any expenses entailed in feeding the birds, animals, etc

Under any circumstances live animals should be removed from the Railway premises within 24 hours from the time of their arrival at destination failing which they may be disposed of under section 56 clause 2 Indian Railways Act IX of 1890

Notice of Arrival

6 The Jaipur State Railway do not undertake to send notice of arrival of goods and parcels to consignees, and the absence of such notice will not entitle consignees to claim exemption from wharfage or demurrage or storage charges if goods and parcels are not removed within the time allowed. In defaulters will, however, be made at receiving stations to advise consignees when practicable, of the arrival of their goods and parcels. The cost of advices

(c) Before a left Luggage ticket is given, the Luggage Ticket issued at the forwarding station in the case of luggage received by railway, must be collected

(d) A charge of two annas per maund or part of a maund with a minimum charge per package as for one maund will be levied, for each 24 hours or part of 24 hours, during which the luggage or parcel remains in a cloak-room

For the purpose of this rule, Sundays, Good Friday and Christmas Day are not considered *dies non*. The charge will be calculated from the time the package is deposited in the cloak room. This time will be marked on the Left Luggage ticket just below the date

(e) The responsibility of the Railway Administration for articles left in a cloak room shall be that of a bailee under sections 151, 152 and 161 of the Indian Contract Act, 1872 (IX of 1872)

Articles deposited in cloak rooms which are unclaimed will after a period of one month, be transferred to the Lost Property Office and be dealt with as prescribed in rules for unclaimed packages

II—RULES FOR REGULATING THE USE OF ROLLING STOCK, ENGINES AND TRAINS

Demurrage

On Goods Vehicles

10 Demurrage will be charged at rates not exceeding the following —

Circumstances	Time allowed free	Rate per ton or part of a ton of carrying capacity per hour or part of an hour in excess of the free time	Remarks
(i) On vehicles ordered and waiting to be loaded by consignors or detained for assignment note or otherwise owing to default of or at the request of the consignee	2 hours of daylight from the time at which the vehicles are placed in position for loading	1 anna.	
(ii) On loaded vehicles waiting to be unloading by consignee.	2 hours of daylight from the time at which the vehicles are placed in position for unloading	1 anna.	<p>The Railway Administration may at its option and at the vehicle owner's charge or expense give for doing so and will not charge the fee on the vehicle under Rule 10.</p> <p>The Railway Administration may at its option and at the vehicle owner's charge or expense give for doing so and will not charge the fee on the vehicle under Rule 10.</p>

Notes—The 10 hours are reckoned as 10 to the clock.
Demurrage will be charged if a conveyance is idle at night, in excess of the free time.

On Coaching Vehicles.

11 (a) A demurrage charge not exceeding the rates laid down below subject to a minimum charge of Rs 10 per 4 wheeler, Rs 15 per 6 wheeler and Rs 20 per bogie vehicle, will be made on coaching vehicles other than passenger carriages ordered and waiting to be loaded by senders or loaded but not made available for despatch, after the expiration of 9 hours of daylight from the time at which they are placed in position for loading

A similar charge will be made on loaded coaching vehicles other than passenger carriages, waiting to be unloaded by consignees, after the expiration of 9 hours of daylight from the time at which they are placed in position for unloading —

	Per hour or part of an hour		
	Rs	A	P
Four wheelers	0	6	0
Six wheelers	0	0	0
Bogies	0	12	0

(b) 4 wheeler 10 per hour
 6 wheeler 15 per hour
 tourist 20 per hour
 9 wheeler and Rs 25 per bogie vehicle will be made when for the convenience of passengers, passenger carriages are ordered and not availed of, or are availed of but are detained at the starting station *en route* or at destination

On Engines.

12 A charge not exceeding Rs 8 per hour or part of an hour will be made for the engine of a special train ordered but not availed of, or availed of but detained for the convenience of passengers at the starting station, *en route* or at destination

III — CALCULATION OF CHARGES

13 The following rules shall apply for the calculation of charges for goods and passengers

IV — GENERAL

14 (a) In the event of goods requiring to be loaded or unloaded by owners becoming liable to both demurrage and wharfage charges the Railway Administration may levy both demurrage and wharfage charges for such periods as the goods would be liable to such charges under these rules

(b) If and for so long as the state of the traffic or any sudden emergency makes it necessary and after advertisement in the local newspapers, the rate of demurrage or wharfage may be increased and the free time may be curtailed

(c) Sundays Christmas Day and Good Friday will be reckoned in charging demurrage on all vehicles made available for unloading on those days and stations will also be opened for unloading of vehicles on those days so that consignees receiving wagons to their addresses which they are required to unload may do so

This does not apply in the case of wharfage in which connection the above days will be treated as *die non* as hitherto

(d) If the consignee from the receipt after arrival of the condition administration may return the consignment to the consignor at his risk and expense

(e) Should the wharfage or storage on actual weight exceed the demurrage charge at the wagon rate for the full time the latter rate will be charged

(f) The Railway Administration have the same lien on goods for demurrage and wharfage and if incurred for unloading as for freight and these charges must be paid before the goods are removed

[*Gazette of India* 1910 Pt I A 1 110]

No 363

Page 395—Add at the end of Part VIII—

Appointment of the Superintendent of Census Operations for Rajputana and Ajmer Merwara as the Superintendent of Census Operations for the District of Abu and the Rajputana Railway Lands

No 381 B dated 18th December 1910—Printed in Vol IV p 274

No 364

Page 482—Add at the end—

For appointment of Superintendent of Census Operations for the railway lands in the Mysore State—See Notification No 359—II dated the 12th December 1910—Printed in Vol VI, p 680

- 8 The Kolhapur Residency Area and the Wadi Jaghur
 - 9 The railway lands in the Western India States Agency specified in the notifications of the Political Department, Nos 189 I B and 190-I B, dated the 8th September 1937
 - 10 Rajputana and Central India railway lands specified in the Rajputana and Central India Railway Lands (Application of Laws) Order, 1937
 - 11 The Punjab States railway lands specified in the Punjab States Railway Lands (Application of Laws) Order, 1939
 - 12 The Thana Circles in the Gujarat States Agency and the Dangs
 - 13 The British Reserve in Manipur
 - 14 The Khasi States including the Shillong Administered areas
 - 15 The Gilgit Sub-division]
- [Gazette of India 1940 Extraordinary p. 473]

No 163

Page 1—In the Criminal Representatives Police Force Law 1939 published with Notification No 328 I B dated the 4th October 1939 in clause (p) of section 2 for the figure 7 substitute the figure 8'

[Notification No 190 I B, dated 8th August 1940—Gazette of India 1940 Pt I A, p. 104]

No 164.

Page 47—In Notification No 219 I dated the 10th May 1933 declaring certain units of the Indian States Forces to be units desertion from which is an extradition offence to the entries under the heading Jodhpur add the entry '2nd Jodhpur Infantry'

[Notification No. 473 40 dated 18th December 1940—Gazette of India 1940, Pt I p. 1748]

No 165

Page 51—Add at the end—

No 126 Y, dated the 6th August 1940—In exercise of the powers conferred by the last item of the First Schedule to the Indian Extraordinary Act, 1903 (XX of 1903) the Central Government is pleased to specify and effect against the Defence of India Act 1939 (XXXI of 1939) certain of the offences made thereunder to be extradition offences within the meaning of the first named Act for all Indian States.

[Gazette of India, 1940 Pt. I, p. 1121]

¹ This entry was added to No. 126 Y, dated 22 August 1940, in Gazette of India, 1940, Extraordinary p. 273

